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# **THE POLITICS OF GENDER QUOTAS:**

**What accounts for the relative success  
of gender quotas in the first South Sudanese  
elections?**

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# Table of Contents

<b>TABLE OF CONTENTS .....</b>	<b>II</b>
<b>LIST OF TABLES AND FIGURES.....</b>	<b>VI</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>VII</b>
<b>ABSTRACT .....</b>	<b>VIII</b>
<b>DECLARATION .....</b>	<b>X</b>
<b>LIST OF ABBREVIATIONS AND ACRONYMS .....</b>	<b>XI</b>
<b>CHAPTER ONE: INTRODUCTION.....</b>	<b>1</b>
WHY SOUTH SUDAN? .....	4
OBJECTIVES OF THE STUDY .....	7
STRUCTURE OF TEXT .....	7
CONCLUSION .....	12
<b>CHAPTER TWO: GENDER QUOTAS AND POLITICAL INSTITUTIONS .....</b>	<b>14</b>
INTRODUCTION.....	14
GENDER QUOTAS: WHAT ARE THEY? WHAT ARE THEY FOR? .....	16
GENDER QUOTAS AND WOMEN’S REPRESENTATION .....	22
GENDER QUOTAS: ARGUMENTS FOR AND AGAINST .....	29
<i>Arguments against quotas: .....</i>	<i>29</i>
<i>Arguments for quotas.....</i>	<i>31</i>
GENDER QUOTAS: DESIGN AND PRACTICE .....	32
GENDER QUOTAS IN SUB-SAHARAN AFRICA AND POST-CONFLICT COUNTRIES: TRENDS, CAMPAIGNS AND KEY ACTORS	36
KEY ACTORS, PLAYERS AND NORMS.....	36
TYPES OF GENDER QUOTAS ADOPTED IN SUB-SAHARAN AFRICA AND POST-CONFLICT COUNTRIES .....	40
FACTORS INFLUENCING ADOPTION OF GENDER QUOTAS .....	44
KEY FACTORS INFLUENCING IMPLEMENTATION OF GENDER QUOTAS .....	46
CONCLUSION .....	49
<b>CHAPTER THREE: UNDERSTANDING QUOTAS AND GENDERED INSTITUTIONS: KEY CONCEPTS AND DEFINITIONS IN THEORY AND PRACTICE .....</b>	<b>51</b>
INTRODUCTION.....	51
DEFINITIONS .....	52
LEGACIES, INSTITUTIONAL ENVIRONMENT AND RULES-IN-USE.....	57

THEORISING GENDER AND THE INSTITUTIONS OF POLITICAL RECRUITMENT .....	58
INFORMAL INSTITUTIONS IN AFRICAN POLITICS .....	67
GENDER QUOTAS, INSTITUTIONAL ENVIRONMENT AND RULES-IN-USE IN AFRICAN POLITICS.....	71
WHAT EXPLAINS THE VARIABLE OUTCOMES AND CONTINUED PATTERNS OF EXCLUSION? .....	75
CONCLUSION .....	79
<b>CHAPTER FOUR: METHODS AND RESEARCH DESIGN .....</b>	<b>80</b>
DECIDING ON AND SELECTING THE TOPIC .....	81
RESEARCH DESIGN, METHODS AND SOURCES .....	83
WHY A CASE STUDY APPROACH? .....	85
DOCUMENTARY ANALYSIS: INVESTIGATING THE CONTEXT .....	88
SEMI-STRUCTURED INTERVIEWS .....	90
OBSERVATION .....	98
SAMPLING UNIT, LOCATING THE INTERVIEWEES AND STUDY SITES SELECTION .....	99
FIELD PROCESS .....	101
TOOLS OF DATA COLLECTION: TOPIC GUIDE .....	102
RELIABILITY, VALIDITY AND ETHICAL CONSIDERATIONS.....	104
PERSONAL REFLEXIVITY.....	105
VALIDITY .....	107
DATA COLLECTION METHODS.....	107
ETHICAL CONSIDERATIONS .....	108
DATA PROCESSING, ANALYSIS AND INTERPRETATION OF FINDINGS .....	110
PRACTICAL DIFFICULTIES AND FIELD DILEMMAS.....	112
CONCLUSION .....	113
<b>CHAPTER FIVE: THE ROAD TO GENDER QUOTAS IN SOUTH SUDAN .....</b>	<b>115</b>
SOUTH SUDAN AND THE TRANSITION TO STATEHOOD .....	117
THE POLITICS OF TRIBAL INCLUSION AND EXCLUSION.....	120
GENDER AND NEW INSTITUTIONAL STRUCTURES .....	122
POLITICS OF STATE AND IDENTITIES .....	123
TOWARDS A NEW STATE AND END OF CONFLICT .....	125
TOWARDS NATIONALISM: WOMEN, GENDER AND POLITICS OF THE STATE .....	127
STRUGGLING ON ALL FRONTS: GENDER IN WARFARE AND CIVILIAN SETTINGS.....	130
TOWARD THE CPA: POLITICAL REFORM AND CONSTITUTIONAL ENGINEERING .....	134
POST-CONFLICT OPPORTUNITIES AND EXPECTATIONS ARISING THROUGH QUOTAS AND AGENCIES .....	137
TOWARDS ELECTIONS: WOMEN'S ORGANISING FOR COMMON AGENDAS AND QUOTAS .....	139

GENDER QUOTAS, ELECTORAL SYSTEM AND POLITICAL PARTIES .....	142
ELECTIONS MANAGEMENT, CANDIDATES, RECRUITMENT, ELECTION CAMPAIGNING.....	145
ELECTION OF FEMALE CANDIDATES AND POLLING PROCEDURES.....	145
CONCLUSION .....	147
<b>CHAPTER SIX: THE STORY OF GENDER QUOTAS ADOPTION.....</b>	<b>148</b>
INTRODUCING THE INSTITUTIONAL ENVIRONMENT .....	149
<i>Exogenous and endogenous factors</i> .....	149
INTRODUCING THE POLITICAL INSTITUTIONS AND KEY PLAYERS .....	151
HISTORICAL CONTEXT, POLITICAL OPPORTUNITY STRUCTURES AND CRITICAL JUNCTURES .....	153
TOWARDS THE FIRST NATIONAL CONVENTION: THE TURNING POINT FOR WOMEN? .....	154
WOMEN’S VOICES IN THE FIRST SPLM/A NATIONAL CONVENTION .....	158
THE POLITICS OF GENDER QUOTAS IN THE CPA, LEGAL FRAMEWORKS AND POLICIES .....	164
<i>Gender quotas in the CPA</i> .....	164
THE POLITICS OF GENDER QUOTAS WITHIN THE LEGAL FRAMEWORK .....	166
THE POLITICS OF GENDER QUOTAS AND THE ELECTIONS ACT .....	172
GENDER QUOTAS IN THE NEW CONSTITUTION AND OTHER LAWS.....	173
ASSESSING THE ADOPTION OF GENDER QUOTAS .....	176
CONCLUSION .....	180
<b>CHAPTER SEVEN: THE STORY OF GENDER QUOTAS IMPLEMENTATION .....</b>	<b>182</b>
INTRODUCING THE INSTITUTIONAL ENVIRONMENT .....	183
<i>Exogenous and endogenous factors</i> .....	183
INTRODUCING THE POLITICAL INSTITUTIONS AND KEY PLAYERS .....	186
<i>Central players: Electoral bodies at national and state levels</i> .....	186
<i>National- and state-level players: The SPLM Party</i> .....	187
TRACING THE IMPLEMENTATION PROCESS .....	190
<i>Stage One: Decision, nomination, application and registration</i> .....	190
<i>Stage Two: Shortlisting of potential candidates</i> .....	196
<i>Stage Three: Campaigning</i> .....	199
<i>Stage Four: Elections process</i> .....	203
<i>Stage Five: Elections results</i> .....	204
ANALYSING THE IMPLEMENTATION OF GENDER QUOTAS .....	208
CONCLUSION .....	213
<b>CHAPTER EIGHT: THE STORY OF CANDIDATE SELECTION AND RECRUITMENT .....</b>	<b>214</b>
CASE SELECTION .....	215

<i>Profile of respondent candidate 7</i> .....	215
STRUGGLE FOR NATIONAL AND PERSONAL LIBERATION: WHY THE DOUBLE AGENDA? .....	217
ENTERING THE POLITICAL ARENA: DECISIONS AND STRATEGIES .....	220
<i>Stage One: Declaration of interest and registration</i> .....	220
<i>Stage Two: Application and nomination process</i> .....	221
<i>Stage Three: Selection process</i> .....	224
<i>Stage Four: Running independently</i> .....	225
<i>Stage five: The campaigning and surveying</i> .....	226
<i>Stage Six: Elections process</i> .....	227
CONCLUSION .....	234
<b>CHAPTER NINE: KEY FINDINGS AND CONCLUSIONS</b> .....	<b>237</b>
THE POLITICS OF GENDER QUOTAS .....	238
<i>Restating the problem</i> .....	238
GENDER QUOTAS, INSTITUTIONS AND RULES-IN-USE .....	239
KEY FINDINGS FROM THE STORIES OF ADOPTION AND IMPLEMENTATION .....	242
<i>Explaining adoption</i> .....	244
<i>Explaining implementation</i> .....	254
OTHER KEY FINDINGS .....	261
<i>A new institution but old rules and norms: Why does the gap exist?</i> .....	261
<i>Why are informal rules and norms so important?</i> .....	268
THEORETICAL AND EMPIRICAL CONTRIBUTIONS, CONCLUSION, AND FUTURE PROSPECTS OF QUOTAS .....	269
WHAT CAN WE LEARN BY TAKING THIS APPROACH? .....	270
CONCLUSION, AND FUTURE PROSPECTS OF GENDER QUOTAS .....	273
RECOMMENDATIONS FOR FUTURE RESEARCH .....	275
<b>APPENDIX I: LETTER OF INTRODUCTION</b> .....	<b>277</b>
<b>APPENDIX II: TOPIC GUIDE</b> .....	<b>278</b>
<b>LIST OF REFERENCES</b> .....	<b>281</b>

## List of Tables and Figures

Table 2.1:	Women in national parliaments for countries with legislative quotas .....	41
Table 2.2:	Women in national parliaments for African countries with voluntary party quotas .....	42
Table 2.3:	Women in national parliaments for African countries with party quotas & enforcement mechanisms .....	43
Table 4.1	List of interviewees .....	95
Table 5.1:	Number of seats per state in South Sudan.....	144
Table 7.1:	National Elections Commission – 2010 elections timeframe.....	188
Table 7.2:	Numbers of national and state MPs according to party and gender .....	206
Table 9.1:	Numbers of women in decision-making levels before and after the April 2010 elections.....	263
Table 9.2:	Number of women elected divided by the type of seats .....	264
Fig.5. 1:	South Sudan state boundaries .....	118
Fig. 5.2	South Sudan power-sharing/ government levels.....	122
Fig. 5.3:	Minister for Gender, Child and Social Welfare, Hon. Agnes Kwaje Lasuba (second left seated) posed with delegates of Women’s Common Agenda for 2010 elections after official opening of the conference on 17 July 2009 .....	140
Fig.7.1:	The structure of political recruitment in the SPLM Party .....	188

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## **Abstract**

The first South Sudanese elections in 2010 returned high proportions of women parliamentarians (32 per cent), largely as a result of gender quota provisions. In the case of post-conflict countries such as South Sudan, processes of political restructuring and constitutional ‘engineering’ can present opportunities for issues of women’s political representation to be institutionalised through gender quota laws. However, the gap between formal laws and their implementation in practice can result in uneven outcomes, particularly in the context of deeply entrenched patriarchal attitudes and customs. Furthermore, whilst the comparative literature underscores the importance of factors such as institutional environment, ‘goodness of fit’, and sanctions for non-compliance in explaining successful outcomes, such elements are routinely absent in sub-Saharan Africa. It is important, therefore, to explain the apparent success story of gender quotas in South Sudan.

There are few in-depth stories of the implementation of gender quotas. As such, the mix of formal rules and informal norms that plays out in a particular context – i.e. the rules-in-use – has been asserted rather than captured in practice. The thesis argues that tracing these micro processes is particularly important in post-conflict cases where formal political institutions are fragile and embryonic.

The thesis aims to: a) tell the story of the adoption and implementation of gender quotas in South Sudan; b) identify key actors (including political parties), institutional processes, practices, and exogenous and endogenous factors contributing to success; c) explore the role of rules-in-use in implementation; and d) problematise the ‘success’ of quotas and future prospects for women by examining formal and informal institutions and their design. The study employs documentary analysis, interviews and observation methods, using a broadly institutionalist approach. Intensive fieldwork in South Sudan was conducted for one year from July 2010 to 2011, including informal discussions and briefings with political, religious and local government elites, female parliamentarians, and experts in the media, international development and academia.

The thesis argues that political institutions are gendered, and therefore the understanding of adoption and implementation processes and norms is crucial to understanding both the success and shortfalls of gender quotas. It argues that political elites matter because they frame popular mandates, strategic discourses and the authoritative drive for quotas. Analysing the interaction between old and new institutions, the thesis shows the impact of legacies on outcomes. It argues that institutional design matters because the use of reserved-seat quotas had unintended consequences which diluted the impact of gender quota on the wider system by concentrating women. Although women are not *formally* confined to quota seats, in *practice* female aspirants seeking mainstream candidacies encountered considerable resistance, demonstrating the existence of informal norms which constrained their access to political power.

The success of gender quotas is fragile and future prospects for women's representation are uncertain. Gender quotas are constitutionally enshrined and there is continued evidence of rhetorical support. However, the new political institutions are deeply permeated with traditional norms and power dynamics that blunt the reformist potential of quotas and reinforce the gender status quo. The thesis provides a benchmark study of women and political recruitment in South Sudan and contributes a new empirical case to the comparative gender quotas literature, as well as to the regional literature on gender in post-conflict contexts.

## **Declaration**

I hereby declare that, except where otherwise indicated, this thesis is entirely my own work, and that no part of it has been submitted for any other degree or qualification.

May 2014.

## List of Abbreviations and Acronyms

AU	African Union
BPfA	Beijing Platform for Action
CPA	Comprehensive Peace Agreement
EAP	East African Parliament
EC	Electoral College
ECOWAS	Economic Community of West African States
GoNU	Government of National Unity
GOSS	Government of Southern Sudan
HDI	Human Development Index
ICSS	Interim Constitution of Southern Sudan
IGAD	Intergovernmental Authority on Development
INC	Interim National Constitution
NC	National Convention
NCP	National Congress Party
NEC	National Elections Commission
NLC	National Liberation Council
PB	Political Bureau
PR	Proportional Representation
ROSS	Republic of South Sudan
SADC	Southern African Development Community
SDGEA	Solemn Declaration on Gender Equality in Africa
SHC	State High Committees in South Sudan
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Army
SSHEC	Southern Sudan High Elections Committee
SSNLA	South Sudan National Legislative Assembly
TCSS	Transitional Constitution of South Sudan
UNIFEM	United Nations Development Fund for Women
UNSCR	United Nations Security Council Resolution

## Chapter One: Introduction

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The first South Sudanese elections in 2010 returned high proportions of women parliamentarians (32 per cent), largely as a result of gender quota provisions. In the case of post-conflict countries such as South Sudan, processes of political restructuring and constitutional ‘engineering’ can present opportunities for issues of women’s political representation to be institutionalised through gender quota laws. However, the gap between formal laws and their implementation in practice can result in uneven outcomes, particularly in the context of informal rules and deeply entrenched patriarchal social relations. Furthermore, whilst the comparative literature underscores the importance of factors such as institutional environment, ‘goodness of fit’, and sanctions for non-compliance, to explain successful outcomes, such elements are routinely absent in sub-Saharan Africa. It is important, therefore, to explain the apparent success story of gender quotas in South Sudan.

My curiosity in this project was conceived during my time working for UNIFEM (now UN Women) in South Sudan. As a programme specialist, I took part in organising the first conference on women’s common agenda for the 2010 elections. The conference was held in July, 2009. It brought together women across party lines and across borders (Rwanda, Uganda, Kenya, South Africa, and East Timor) to share the experiences and challenges of women’s under-representation and quotas. In collaboration with experts in media, international development and academia, women parliamentarians from the region shared their rich and valuable insights with female aspirants seeking candidacies in the 2010 elections, and re-strategised not only on how best to run for the reserved quotas seats of 25 per cent, but also to compete with men in geographical constituency and party lists in the new mixed electoral system.

Most discussions were about institutional and cultural contexts in which women sought clarity about the rules of the game, political norms and candidate recruitment processes. The majority of aspirants were concerned about imperfect implementation of quotas because the Elections Act (2008) did not provide for key elements such as

review mechanisms, ranking order of candidates and sanction for non-compliance.<sup>1</sup> Moreover, the Act authorised political parties to develop their own internal rules and criteria for candidate selection, but did not institute monitoring and oversight mechanisms for curbing potential electoral malpractices. I had the privilege of speaking to the women at the conference – and beyond; that is, women aspirants and parliamentarians from the first South Sudanese Assembly, who acknowledged that a major obstacle for women's equal participation in the new polity was patriarchal culture, political elites' prejudice, social-economic factors and limited knowledge of the rules of the game.

Having worked with women's movements and various organisations in the East and Horn of Africa where quota discourses have been well articulated and women have made greater strides in the legislative arena, I knew that women were concerned about exclusionary practices. Nonetheless, I did not understand how these factors might impede women's recruitment, particularly as quotas are constitutionally enshrined in the legal framework and the Elections Act. It was also the case that there was strong political support from the highest government levels for gender quotas. Furthermore, civil society organisations and international development organisations had massively invested their efforts to promote civic education programmes and door-to-door campaigning for awareness and consciousness-raising about women's participation in elections as voters and candidates. While these were my assumptions, women politicians and activists who had been in the women's movement had a different picture. They said, 'Politics is a dirty game. You are in today and out tomorrow, even before you know the reason'. This statement struck me forcibly and challenged my perceptions because it implied that there is much more happening in institutions of political recruitment than public accounts and contemporary studies seemed to suggest, leading me to question whether election law quota and political enthusiasm are sufficient to deliver a higher degree of women's representation.

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<sup>1</sup> South Sudan electoral law is governed by The National Elections Act (2008), cited in this thesis as Elections Act (2008).

My inquisitiveness was also stimulated by media debates on gender quotas. Many commentators and political analysts doubted whether 25 per cent would be attained in view of the higher levels of illiteracy among women, limited access to information, and their perceived lack of leadership skills. Even among scholars, there was scepticism about the likely achievement of the quota target in view of Sudan's past elections experience, where rules were often changed, power transfers restricted, and exclusionary politics of 'fit' sustained (see Alier 2003; *GEM News* 2009; Willis and el-Battahani 2010). Moreover, the local media institutions, both print and electronic, focused on promoting male candidates to the detriment of the visibility of female aspirants. Media debates were mainly dominated by male aspirants, who, when challenged about the absence of women, argued that female aspirants were 'media-shy'. There were various discourses arguing for and against quotas and women coming forward. Many agreed that it was the right moment to recompense women because of past structural discrimination and suffering during the war. Some said that women had been given too many seats. Others said quota policy was an agenda for the ruling SPLM Party to win women's votes. Male candidates competing with women for geographical seats threatened to disgrace women who would take 'their seats', as if the geographical seats were exclusively designed for men. Some male candidates, party officials and local government authorities said that if women are to compete, then they should not be allowed to go beyond their 'cake' – that is, the 25 per cent quota, unless they prove that they can bring change. Fears of political intimidation, violence, and exclusion were widespread and threatened many aspirants, particularly those seeking mainstream candidacies.

## Why South Sudan?

Emerging from the long civil war, South Sudan is one of the most recent post-conflict countries in sub-Saharan Africa to enact quotas in the constitution and electoral law. South Sudan's Comprehensive Peace Agreement (CPA 2005) brought with it numerous political opportunities that included formation of a decentralised state with three levels of government, resumption of a multi-party democracy and the adoption of universal women's rights' standards, including gender quota measures. The constitutional quota (25 per cent) was enacted to redress gender imbalances created by history, customs and traditions.<sup>2</sup> South Sudan instituted a mixed electoral system which consists of geographical constituency, party lists and reserved-quotas/women's lists. A quota policy is applicable to women's lists only.

Twenty political parties participated in the April 2010 elections in South Sudan (GOSS 2010). The SPLM is the main ruling party and the founder of 25 per cent quotas. A gender quota was employed in the first multi-party elections in April 2010, resulting in increased women's numerical representation in the assembly from 19 per cent in the Interim Period (2005–2010) to 32 per cent after the April 2010 elections. In the Interim Period there were no elections, and female parliamentarians were nominated through popular consultations. However, the shortfall between 19 per cent and the constitutional quota of 25 per cent can be argued to represent a constitutional deficit. The subsequent elections as a result of this observation were expected to undermine the implementation of gender quotas.

Yet while the post-conflict environment highlights political opportunities for change in institutions of political recruitment, it also points to underlying continuities in terms of rule-breaking, resistance and exclusionary practices. Willis and Battahani (2010) assessed the elections' preparatory activities and argued that political practices in post-conflict South Sudan are similar to those of an authoritarian regime. They predicted that the 2010 elections would be characterised by deception because

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<sup>2</sup> Interim Constitution of Southern Sudan (ICSS) available from [http://www.chr.up.ac.za/undp/domestic/docs/c\\_SouthernSudan.pdf](http://www.chr.up.ac.za/undp/domestic/docs/c_SouthernSudan.pdf). Accessed 20 January 2013.



the veneer of bureaucratic regularity in both the multi-party system and in government was built upon multiple networks of kinship, cultural familiarity and ethnic group. As such, the new practices would be little different from previous elections in Sudan, where practices often deviated from the supposed rules due to political manipulation and political elites' interests. According to Willis and Battahani (p. 212), actors "struggled to cover up the gap between the imaginary state of ordered efficiency and the reality of constant manoeuvre and deviation from process". This suggests that the implementation of gender quota policy and outcomes might have been influenced or interrupted by informal rules and norms.

This thesis sets out to investigate these dynamics of political institutions in detail, focusing on the processes and practices involved in quota adoption and implementation through a gendered lens. The central argument in this thesis is that understanding the institutional and cultural context of quota adoption and implementation, including formal institutions and informal norms, and rules-in-use, can help to explain the relative success of quotas, bridging the gap between quota policy and practice, and between rule enactment and implementation. Thus, the thesis asks the questions: what really explains this apparent success story in South Sudan's traditionally patriarchal institutions? What new institutional designs and opportunities have facilitated women's access to political institutions? How are quotas adopted and established? What are the implementation processes? What exogenous and endogenous factors contribute to the success of quotas? What supportive and unsupportive roles do actors play in the adoption of quotas and recruitment of candidates? What formal rules and informal norms, including rules-in-use and enabling and constraining legacies, play out in the adoption and implementation of quotas?

There are several reasons for choosing this case as a particular example. Firstly, the research looks at the South Sudan case in the context of quota experiences more generally, but also in the context of post-conflict reconstruction and the opportunities presented by the creation of new institutions. As a new country in Africa, in its new post-conflict setting and with new elections, South Sudan returned high proportions of women mainly after institutionalising gender quotas in its legal framework and

Elections Act (2008). This is an interesting case because there are few in-depth stories of the adoption and implementation of gender quotas. Secondly, findings from this study will contribute to a benchmark study of women and political recruitment in South Sudan, and add a new empirical case to the comparative gender quotas literature, as well as to the regional literature on gender in post-conflict contexts. Lastly, the study explores the importance of rules-in-use and the value of engaging actors, structures and agencies to increase women's political representation.

Throughout this analysis of the relative success of the policy, the meaning of the term 'success' has been scrutinised, and divided into formal success (numbers) and substantive success (beyond numbers). Given the timing of the research, so early in a South Sudanese government, this research did not look at the outcomes of substantive representation in terms of 'women-friendly' policy, or look at issues of whether women act for women in the parliament. The research focuses on the women applicants' experience of the process, their perception of the actors, political institutions and their strategies in securing seats, whilst pointing out the gendered practices and resistance manifested in the adoption and implementation processes.

As already noted, there are relatively few in-depth stories of quota adoption in general (Krook 2007, 2009) or in post-conflict countries/sub-Saharan Africa (Ballington 2004; Goetz and Hassim 2003; Tripp *et al.* 2006). Other scholars have begun to examine quota implementation, providing a number of contradictory findings as to the factors contributing to the relative 'success' of gender quotas and women's representation (see for example Bauer 2012; Caul 2001; Dahlerup 2006a; Franceschet and Piscopo 2008; Kittilson 2005; Murray 2010). There seems to be little agreement on what determines the effectiveness of various forms of quotas and what accounts for the variable outcomes. Yet recent studies (Dahlerup and Freidenvall 2010; Gelb and Palley 2009; Krook 2009) seem to draw our attention to institutional structures, context, and cultural and historical factors. Some studies have shown evidence about political institutions organised as 'old boys' clubs', continuing exclusionary practices despite the measures instituted for women's entry to politics (Goetz and Hassim 2003; Goetz 2010; Lovenduski 2005). Meanwhile, comprehensive studies on how quota rules are implemented in terms of processes

and practices, and how informal rules and norms play out in a particular context, are insufficient. The disparities between quota rules establishment and implementation suggest that quotas are institutionally constrained and that further exploration is required into the institutional environment surrounding quotas adoption and implementation. This thesis sets out to fill some of the identified gaps, attempting to provide new insights for feminist research on gender quotas and gendered political institutions.

The objectives and structure of the thesis are presented in the next section.

### **Objectives of the study**

1. To tell the detailed story of the adoption and implementation of gender quotas in the first elections;
2. To identify the key actors, institutional processes, and exogenous and endogenous factors which contributed to the adoption and implementation of quotas;
3. To understand the role of formal and informal institutions in the case study – including the rules-in-use, and the gendered dynamics of institutions of political recruitment;
4. To problematise the success of quotas and future prospects for women by examining the formal and informal institutions, their design, and the enabling and constraining legacies.

### **Structure of text**

This thesis is divided into three main parts: the first part consists of four chapters that focus on theoretical and methodological issues relevant to the study, and places the study within the wider literature; the second part has four chapters that provide the necessary background and the empirical data of the case study; and the final chapter focuses on analysis and conclusions, underlining the implications of the South Sudan case for theory and practice.

Chapter two, Gender Quotas and Political Institutions, critically reviews the literature on women's representation, gender quotas and political institutions (Dahlerup 2006; Lovenduski 2005; Mansbridge 1999, 2005; Phillips 1995), but pays particular attention to sub-Saharan Africa and post-conflict contexts. Existing literature indicates that exogenous and endogenous factors including both actors and international and regional norms influence the adoption and implementation of quota policies. In post-conflict settings, political opportunity structures are often influenced by international and regional actors such as United Nations (UN) and African Union (AU) that have provided space for women's involvement in crafting new constitutions and drafting new laws. The institutions have importance placed upon them during implementation. According to the literature, success of quotas is conditioned by institutional environment and the 'goodness of fit' of specific quota provisions such as sanctions for non-compliance. Yet the outcomes of quotas remain variable and success is unpredictable. The chapter then asks: How are quotas practically adopted and implemented? What factors influence successful adoption and implementation?

The literature is inconclusive about the factors causing different outcomes. What we know about gender quotas is largely based upon studies that investigate the adoption of quotas and rules, and the subsequent results in terms of the number of women elected. Still, questions have been raised about the extent and impact of non-compliance with formal rules for candidate recruitment (see Bauer 2012; Dahlerup and Freidenvall 2010; Kenny 2009; Krook 2009; Norris and Lovenduski 2010; Murray, 2010). What is not yet clear is how the implementation process works in detail. What happens when quota legislation is put into practice? What are the impacts of institutional actors, practices, rules-in-use and informal norms on female candidates running for quotas seats?

Chapter three, Understanding Gender Quotas and Gendered Institutions: Key Concepts and Definitions in theory and practice, introduces key concepts employed to inform the research design. As pointed out earlier, outcomes of quotas are associated with the institutional environment. To assess the impact of changes in numbers, it is important to recognise the context in which numbers are changing and

the culture of institutions in terms of gender. Chapter three thus defines institutions, the 'rules-in-use' legacies and gendered institutions. In particular, the chapter examines how gender is created and recreated within political institutions and the impact of gendered practices on gender quotas implementation. The chapter provides institutionally sensitive theories of gender politics, and gender-sensitive theories of political institutions, in order to explain the gendered power relations and dynamics of institutions of political recruitment in the analysis chapters.

Chapter four, *Methods and Research Design*, presents the methodological issues involved in understanding the complex phenomenon of gender quotas and rules-in-use in South Sudanese post-conflict elections. Since there is no distinct feminist methodology within political science (see Krook and Childs 2010; Mackay 2004a; Randall 2002), the research takes a problem-driven approach rather than a method-driven one, employing a broad range of theoretical and methodological frames and combining different methods, and the researcher's own position and field experience, to answer the questions about the apparent success story of quotas in South Sudan. The thesis follows a case study design, with in-depth analysis of the success of quotas and rules-in-use from individuals' experiences, and evidence of their real-political-life context (Yin 1989, 2004). The research data in this thesis is drawn from three main sources: documentary analysis, interviews and observation. Together they bring out the contextuality and continuity that helps answer the research questions. The chapter concludes by addressing ethical considerations, validity, reliability and generalisability about the study.

Having laid the theoretical and methodological framework for issues significant to the study, the fifth chapter, *The Road to Quotas in South Sudan*, sets the scene of South Sudan, and provides the historical background to understand and explain institutional change during the post-conflict reconstruction era. It reviews the stories of women organising in pre- and post-conflict periods, gender relations and norms, as well as the historical context, to understand the different legacies that influenced quotas. The chapter offers an overview of the South Sudan government structures, legal framework, electoral law, and other structures established to promote gender equality and women's representation. The chapter revisits the question as to what

political opportunities have enabled women's inclusion in new institutions, and follows with an assessment of the electoral processes. It concludes with the story of women's mobilising for quotas towards the 2010 elections, whilst focusing on formal processes of candidate selection.

Chapter six, *The Story of Gender Quotas Adoption*, turns to an in-depth story of gender quota adoption. It traces the process and practices through a detailed sequence of events that 'add up' to the formal adoption of quotas. It revisits the question of what exogenous and endogenous factors, actors and critical junctures influenced the adoption of quotas. The chapter analyses the actual processes and critical actors involved, and underlines the supportive role of political elites, in particular the chairperson of the party, arguing that his authoritative drive and informal norms behind gender quotas is vital. It then turns to informal rules-in-use manifested in the adoption of quotas, while exploring competing stories and discourses about the 'meaning' and 'value' of quota/number of seats allocated for women. It argues that the various discourses underpin the perceived legitimacy and significance of quotas. The chapter demonstrates the way in which women's attempts to enter a 'male space' are unwelcome, pointing out the reassertion of particular masculinities at each stage of the adoption process. It argues that the adoption of quotas is a fragile and ongoing process, one that is constantly challenged and contested, and that is shaped and constrained by past decisions and institutional legacies.

Having described in chapter six the genesis of quotas, and identified the critical junctures and actors involved, chapter seven, *The Story of Gender Quotas Implementation*, presents the findings of an in-depth story of the implementation of gender quotas in South Sudan. The chapter explores how quota policy was actually implemented in the 2010 elections, identifying practices and rules-in-use applied to implement the quota. It traces the candidate recruitment process through a sequence of events undertaken, from registration to elections, and then to the announcement of results. The chapter identifies the coexistence of formal and informal rules and norms, operating through networks of actors. It argues that the interaction of rules and actors not only resulted in rules compliance, but also resulted in differences of opinion and contradiction, including rule-breaking. The chapter shows evidence of

old and new ideas interplaying with the interests and perceptions of actors in candidate recruitment, and stresses that past legacies matter. New policies are adopted but implementation remains influenced by past decisions and cultures, informal rules and norms.

Chapter eight, *The Story of Candidate Selection and Recruitment*, presents the findings of a 'within-case' example of the specific experiences of a female candidate for a geographical seat. The chapter explores two major questions: What are the impacts of institutional design on women competing beyond reserved quotas for a seat? What role do rules-in-use play in the institutions of candidate recruitment? The story provides a detailed account of the aspects of the political environment that frame the choices and strategies of actors, and offers a glimpse of a South Sudanese woman MP in action, as she competes with male incumbents and challenges the dominant masculinity embedded in institutions of political recruitment. The chapter analyses the recruitment practices and barriers to women candidates and argues that that institutional design and actors matter. It concludes with an in-depth analysis of the informal rules created, highlighting an underlying tendency of rule-breaking, gendered discrimination and exclusionary practices.

Taken together, the findings from the three stories in chapters six, seven and eight suggest that female access to politics through reserved quotas and other seats is still contested. The final, ninth, chapter presents *Key Findings and Conclusions*. Its focus is on interpretation and analysis of the case study, highlighting specific areas of divergence and contestation that augment gendered power relations, informal rules and norms. The chapter restates the problem, revisits key arguments, and presents key findings from the stories of adoption and implementation, organised around the themes of legacies, actors, design and rules-in-use. It then explains the relative success of gender quotas early in the life of the new country, and argues that while political restructuring and constitutional 'engineering' present opportunities for the institutionalisation of women's representation through gender quotas, there is a gap between formal laws and their implementation in practice. This can result in uneven outcomes, particularly in the context of deeply entrenched patriarchal culture and patronage politics. It argues that elements influencing the successful outcomes of

quotas were lacking, resulting in the emergence of informal rules and norms of recruitment. In this chapter, therefore, I ask: What explains South Sudan's achievement of its quota target in the first post-conflict elections?

The chapter shows evidence of women's representation after the 2010 elections and in other key decision-making positions, stressing that quota measures have served to increase the women's representation numerically. However, the success is context-specific. On the one hand, the quota policy has been enshrined in the legal framework and Elections Act (2008) and has remained supported by the government and international and regional norms. On the other hand, quotas are constrained by informal rules, gendered resistances and old norms which are not sufficiently addressed. The chapter identifies the challenges that remain, and problematises the 'success' of quotas and future prospects for women by examining formal and informal institutions and their design. It underscores the implications for key theoretical and empirical contributions, drawing attention to the areas for future work on gender quotas and institutions of political recruitment. The chapter analyses and interprets these areas of divergence and contestation, highlighting how specific practices and actors' interests underpin gendered power relations, informal rules and norms in political institutions.

## **Conclusion**

Chapter one has introduced the study on the politics of gender quotas, and explained why the case study is timely and of particular interest to the researcher. It described the key questions and outlined the research objectives and structure of the thesis, showing how different ideas are organised. This detailed information has been provided in order to introduce the research environment and to enable readers to understand the politics of quotas and rules-in-use employed in candidate selection processes, so as to appreciate women's stories and experiences in the subsequent chapters.



The next chapter critically reviews the literature on women, gender quotas and political institutions in post-conflict and sub-Saharan Africa. The chapter provides an in-depth understanding of quota policies and their performances across countries in the sub-Saharan region, while pointing out successes and shortfalls.

## Chapter Two: Gender Quotas and Political Institutions

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### Introduction

While women currently make up over half of the world's population, only 20.9 per cent of parliamentarians worldwide are female (Inter-Parliamentary Union 2013). Positive measures such as quotas are increasingly being considered as effective strategies for redressing gender imbalance in power relations, and have been adopted by more than 130 countries across the globe (Dahlerup 2006; IDEA 2013; Inter-Parliamentary Union 2013; Krook 2009). The widespread use and efficacy of gender quotas has persuaded international and national organisations wanting to promote women's access to politics in post-conflict and transition-to-democracy countries, to use them (Bauer 2012; Tripp *et al.* 2006). However, quotas produce variable outcomes and success is not always predictable. Some countries experience dramatic increases upon adoption, others experience stagnation, and a few have experienced a decline in the number of women elected (Bauer 2012; Krook 2009a, 2009b; Tripp and Kang 2008).

According to researchers, unpredictable outcomes of women's representation are the result of institutional environment, political elites' prejudice, and the interplay of factors of supply and demand (Bauer 2012; Goetz and Hassim 2003; Krook 2010; Lovenduski 2005; Norris and Lovenduski 1995, 2010). The evidence draws attention to the intricacy of quotas and begs detailed exploration of adoption and implementation processes – particularly in the context of post-conflict and transition-to-democracy countries. Most studies of quotas show the number of countries which have adopted quotas, gaps between quota provisions and outcomes, and quota rules, without systematic analysis of implementation (see, for example, Abou-Zeid 2006; Bauer 2012; Ballington 2004; Krook 2009; Tripp *et al.* 2006).

More recently, comparative literature has emerged that suggests institutional environment and quota provisions such as 'goodness of fit', as well as sanctions for

non-compliance, are essential elements for achieving quota targets (Dahlerup and Freidenvall 2010; Krook 2010). Yet Murray (2010) shows that quota provisions and sanctions are insufficient conditions to guarantee the success of quotas, and others show that quota targets have been achieved without goodness of fit and sanctions (Bauer 2012). Some of the countries studied are in sub-Saharan Africa, and are among the top forty in the world league table for the number of women parliamentarians (Inter-Parliamentary Union 2013). The various debates on the variable performance and outcomes of quotas identify an interesting viewpoint on quota adoption and implementation process, and rules-in-use.

The aim of this chapter is to critically review the literature on women, gender quotas and political institutions, whilst paying particular attention to sub-Saharan Africa and post-conflict contexts. The chapter seeks to answer three main questions: What is the ‘problem’ for which quotas are deemed to be the answer? How are quotas adopted and implemented in practice? What factors influence successful adoption and implementation? There are three main sections. Section one defines gender quotas and their link with women’s representation. Then it restates the underlying theoretical concerns about women’s representation in relation to the debates and controversies about the adoption of gender quotas. Next, it shows how debates relate to theoretical concerns and wider political discussion about gender quotas. Section two provides an illustration of gender quotas design and practice, and types of quotas in different political systems. In section three, the focus is on the sub-Saharan Africa regional literature, highlighting trends and types of quotas adopted, institutional actors and strategies; and on a close examination of factors influencing the adoption and implementation of gender quotas.

In this way the chapter identifies gaps in the literature and highlights key factors and gender norms in political institutions, including the opportunity to contest the introduction of new rules such as quotas. Further, an understanding of types of quotas established across sub-Saharan Africa, and their performances in different political systems, makes possible the identification of additional measures that may be needed to increase efficacy in practice.

## **Gender quotas: What are they? What are they for?**

Gender quotas are positive and special measures that aim to rectify the under-representation of women. Gender quotas require that political institutions set a minimum percentage for women's representation in a parliamentary body, a party list or a government, often 20–40 per cent, sometimes 50 per cent, or they may set the maximum or minimum representation for either sex. Gender quotas are explicit measures that target gendered discrimination in the candidate selection process, with the objective of increasing women's descriptive representation. This means gender quotas are seen by their supporters as necessary compensatory measures to ensure equity, since political systems have historically underprivileged women in terms of presence and access to resources and power (Dahlerup 2006; Lovenduski 2005; Mansbridge 1999, 2005; Phillips 1995). According to democracy theorists, the under-representation of women matters because it impacts negatively upon women's political agendas, constrains the articulation of their concerns, and undermines the legitimacy of democratic institutions (Dahlerup 2006; Mansbridge 1999, 2005; Phillips 1995). Theoretical defences of gender quotas show that women constitute the majority of the population in most countries, yet their voices and policy concerns, including issues unique to women, are routinely discounted, submerged or undervalued in male-dominated arenas. Such practice risks the de facto legitimacy of a polity's democratic institutions (Inter-Parliamentary Union 2013; IDEA 2013; Mansbridge 2005; Phillips 1995). Quotas measures, therefore, not only serve as reminders about the democratic need for women's inclusion in policy making, but also provide opportunities to expand ideas of equality and proportional representation which are needed to arrive at an optimal democratic political system. Feminist democracy theorists argue that quotas should bring diverse women with different skills and perspectives into politics, which can enrich the legislature, as well as improving the treatment of policy questions traditionally of concern to women.

Gender quotas are an open door to a male-dominated arena, and a mechanism for bringing women immediate gains in parliamentary seats. Gender quotas, argue their champions, can also change the patriarchal culture, values, attitudes and ideas that are prejudicial to women politicians and women generally, and can assist in giving

“social meaning to the ability of women to manage political office” (Mansbridge 1999: p. 628; Dahlerup 2006;). That is to say, women can be viewed in a new light – as qualified and confident individuals with the ability to lead and make policy decisions. The widespread implementation of quota measures across societies, therefore, can be seen as a reflection of changing attitudes and norms, particularly where the relationship between gender and power is increasingly deliberated as a fundamental element of regime legitimacy and ‘modernity’ (Abou-Zeid 2006: p. 172; Bauer 2012; Dahlerup and Ballington 2006; Franceschet and Piscopo 2008; Goetz and Hassim 2003; Kittilson 2005; Krook 2009; Tripp *et al.* 2006).

Dahlerup, in her 2006 study *Women, Quotas and Politics*, contends that quotas measures are a ‘fast-track’ strategy because their adoption has resulted in notable leaps in women’s representation, in contrast to the incremental track (Dahlerup 2006: pp. 6–15). She describes the fast and incremental tracks as concepts used to characterise two different empirical routes towards gender-balanced political representation. The two tracks not only differ in the speed of historical development in women’s political representation, but are seen as two different types of equality policy. The incremental track advocates formal equality based on the principle of gender equality as ‘equal opportunity’, while the fast track promotes substantive equality based on the principle of gender equality as ‘equality of results’. The two tracks are constructed on the basis of different problem identifications in terms of the diagnosis of women’s under-representation, and perceptions of historical development; and therefore resolve the problems by providing different goals and strategies for change.

The incremental track is underpinned by the idea that women’s descriptive representation increases gradually over time in a linear fashion, in the sense that equal representation will be achieved ‘naturally’ as women’s level of development and access to resources increases. It assumes that women are perceived as unfit for political office, and are under-represented, because they lack the resources like men in terms of money for political activities, time, education, experience and involvement in political affairs. While it accepts the political elite’s prejudiced and negative perception of women undermine their access to politics, the model assumes

that these will vanish with modernisation within society. Those who support the incremental track recommend training and capacity-building strategies to empower women politically. The incremental track is built on assumptions that these strategies will be sufficient to increase women's political representation; thus, it discourages the use of positive measures and endorses the notion of merit leading to 'equal opportunity' in decision-making positions (see also Dahlerup and Freidenvall 2005, 2010; Kittilson 2005: p. 642).

In contrast, the fast-track model is a new route to equal political representation that advocates the use of rapid positive measures to increase women's descriptive representation. It rejects the idea that increased resources might automatically result in equal representation, stressing that political institutions embody discriminatory structures and exclusionary practices (Dahlerup 2006: p. 8). It recommends the adoption of positive discrimination measures including gender quotas as an immediate solution to the problem of under-representation. The advocates of fast track claim positive discrimination measures are necessary not only to address the inherent gender imbalance caused by past history, but to speed the progress of women's numerical representation towards gender balance. The advocates of fast track are unwilling to wait for the gradual achievement of representation. For example, it took twenty years of incremental increase, and eight elections, for Scandinavia to achieve 38 per cent women's representation; while in South Africa 30 per cent of those elected were women in the very first democratic parliamentary elections that employed gender quotas (Dahlerup 2006; Dahlerup and Freidenvall 2005).

Increasingly, fast track has gained prominence as a discourse and an approach, and has led to the promotion of gender quotas internationally and regionally as the measure of choice to achieve gender equality of representation. For example, Dahlerup (2006), like many others, sees the case made in the Beijing Platform for Action (BPfA) as constituting an important legitimising discourse for the fast-track approach. BPfA focused on gender and political institutions and approved a target of 30 per cent women in decision making, which places responsibility for the under-representation of women on political institutions rather than women themselves,

legitimising the use of quotas. Recognising that women's entry to political institutions might encounter backlash from political parties acting as gatekeepers by setting gendered rules and standard operating procedures, the fast track model recommends enforcement mechanisms and time targets to ensure continuity of quotas. In this way, quotas allow inclusion and offer a quick solution (Dahlerup 2006) to the problem of exclusion and structural discrimination. Building on this point, gender quotas have been reported to increase the level of women's representation in developing countries, which are less helpfully provided in terms of levels of female education, resources, patriarchal attitudes and the electoral system (Bauer 2012; Krook 2010; Tripp *et al.* 2006; Tripp and Kang 2008; Yoon 2010). Quotas have also been used to reinforce the gains women have achieved in accessing political institutions, 'securing the high-profile presence' of women and safeguarding their decision-making positions (Squires 2007: p. 75; Dahlerup and Freidenvall 2005; Lovenduski 2005).

Quotas measures first appeared in the 1930s (Krook 2009), and continue to be adopted by several countries, including modern democracies, such as in the Arab world following the 2011–2013 uprisings. In Western Europe, quotas were initially introduced at party level in the 1970s, but were gradually adopted as legislative quotas, and they are currently widespread across the globe, particularly in Latin America, sub-Saharan Africa and Asia (IDEA 2013). The literature indicates that, beginning in the 1990s, a new wave of quotas began as several democracies and political parties established quotas to promote, and to some extent influence, the increase in women's representation in politics (Dahlerup 2006; IDEA 2013; Krook 2009; Lovenduski 2005; Squires 2007). Over eighty countries had established quotas by 2005 and over a hundred by 2010 (IDEA 2013; Inter-Parliamentary Union 2013), suggesting that quotas reflect an international norm emphasising the inclusion of women at decision-making level. One aspect influencing the spread and significance of gender quotas can be traced from the type of campaigns and actors involved in their promotion. Many women-friendly policies have received notable endorsement from international and regional bodies such as the United Nations, the

African Union and the Southern African Development Corporation (Dahlerup 2006; Tripp *et al.* 2006).

Although Krook (2007) contends that the link between international and transnational trends and national quota campaigns is not clear-cut, it is my contention that the international and regional actors play a key role in national campaigns for quotas. Several gains have been made by associating these institutions with national quotas campaigns. Interaction and information sharing have increased awareness of, and the perception of changes in, women's political representation, which have in turn contributed to moving forward the idea of gender quotas in national deliberations. Many advocates promote quotas to increase women's presence and attention to their concerns. As Franceschet and Piscopo (2008: p. 402) argue, mandates such as 'women representing women's concerns' are established during campaigns for quotas, and their strengths hinge on how activists frame claims for quotas, and effective mobilisation for quotas. Specifically, in post-conflict settings the international and regional bodies involved in reconstruction have encouraged new democracies to pass gender equity laws and policies, which include legislated gender quotas. They often use justice and democracy arguments to encourage heads of states to comply with international normative standards such as the BPfA, CEDAW (Convention on the Elimination of Discrimination against Women) and UNSCR 1325 on Women, Peace and Security – in proclaiming gender equality as an element of establishing regime legitimacy and commitment to modernity and stability (Dahlerup and Ballington 2006; Krook 2007; Squires 2007; Tripp *et al.* 2006; see also Lovenduski 2005: p. 96). In post-conflict countries, the international agencies provide technical and financial resources to organise international events such as conferences, training or exchange visits. These events bring together participants from across the world to share experiences, resulting in transnational advocacy networks (Keck and Sikkink 1998) which not only create awareness of women's rights and promote new norms but also enrich women activists' practical strategies for demanding quotas. The institutions provide space for women's participation in the crafting of new constitutions and laws, offering women an opportunity to place gender and women's representation on the political agenda.



At the national level, quotas have been a result of cross-country inspiration and the efforts of women's organisations, and those of their allies in international NGOs. Women's organisations have organised and facilitated activities such as training, dialogue, information sharing or lobbying political elites to adopt quotas (Bauer 2012; Franceschets and Piscopo 2008; Tripp *et al* 2006;). However, putting pressure on political elites has generated mixed outcomes, meaning that some political elites may adopt quotas without actually intending to rectify gender imbalance. As a result, quotas may be characterised as a 'top down' approach or the imposition of 'foreign ideas' (Franceschet and Piscopo 2008; Tamale 1999), hence discouraging female candidates from pursuing political positions. Political elites may introduce gender quotas largely as a symbol linking elite projects of 'modernisation' with 'feminisation' (Squires 2007: p. 23; see also Abou-Zeid 2006). According to critics, the intention is to impress donors or display democratic credentials, particularly where international agencies are directly involved in the promotion of quotas and women's representation.

Debates at national level have also been prompted by international conferences. Whereas such debates can provide those promoting quotas with resources for advancing their claims, there are both advantages and disadvantages. On the one hand, the debates can shift the balance in favour of women's organisations and their allies mobilising for quotas adoption (Dahlerup 2006; Krook 2009; Tripp *et al.* 2006). On the other hand, attempts to introduce quotas without involving key actors (including political elites) may encounter a backlash or result in imperfect implementation. The literature suggests that engaging both the institutional actors defined as political elites or party leaders, and women's organisations in equal measure, ensures implementation and continuity of quotas. Political elites play a key role in decision and rule making, while women's groups and female candidates are key beneficiaries, so that real ownership of quotas policies is required to circumvent adverse gendered rules and informal norms of recruitment.

Widespread implementation of quotas notwithstanding, there is intense debate and controversy both in the academic literature and in politics. Many researchers agree that quotas are part of a new type of equality policy – positive measures that

target structural discrimination to increase women's representation (Dahlerup 2006; Goetz and Hassim 2003; Krook 2009; Lovenduski 2005; Mansbridge 1999, 2005; Phillips 1995; Tripp *et al.* 2006), but have increased complexity in candidate recruitment processes, including preference for certain groups of representatives over others. To further understand gender quotas, the next section restates the underlying theoretical concerns about women's representation and illustrates how these connect with the controversies about gender quotas. It will be argued that gender quotas are desirable for addressing the problem of women's under-representation.

### **Gender quotas and women's representation**

With regard to gender quotas, various discussions about principles merge because quotas represent a change in public equality policy, from 'equal opportunities' to 'equality of results'. Gender quotas touch upon central questions in democratic and feminist theory, that is, theory on gender difference and political representation, as well as the concept of critical mass (which is defined here as a descriptive indicator of the proportion of women that are able to influence the dominant group to accept policy change). The scholarly literature discerns two main forms of political representation: descriptive and substantive. In Hanna Pitkin's (1967) classic work on representation, representation is defined as making something present which was previously not there, or as a relationship in which citizens are involved in government activities. Pitkin defines descriptive representation as occurring where the representative 'stands for' a group sharing similar social characteristics (for example, gender, ethnicity or race). She defines substantive representation as occurring where the representative 'acts for' or advocates on behalf of, the policy concerns and interests of their constituents. According to this definition, a representative can represent the interests of a constituency without having to share similar characteristics or background to their constituents. To Pitkin, descriptive characteristics of representatives do not matter; what matters is that representatives are responsive and can be held accountable (p. 140). In terms of Pitkin's conceptions of representation, the descriptive 'under-representation' of women is not politically

relevant. “Representation happens when political representatives act for their constituents, in a responsive manner, and within the framework of periodic authorisation and accountability” (Mackay 2008: p. 126).

In contrast, feminist scholars argue that the descriptive representation of women (and other relevant minority status groups) is important. Their logic is that the exclusion of women from political life is, of itself, a problem for democracy. The equal presence of women in political institutions is the relevant solution, and quotas are the mechanisms necessary to secure equality of representation. Feminist scholars advocate quotas on a variety of grounds including those of justice, fairness, legitimacy, difference and interests. In *The Politics of Presence*, Anne Phillips (1995) advocates gender quotas in a system that combines what she calls the politics of ideas (substantive representation) with the politics of presence (descriptive representation). Phillips claims that it is unfair for men to monopolise assemblies and exclude women from decision making. If there were no artificial barriers to equal participation in political life then one would expect to see women present in roughly equal numbers to men. The burden of proof therefore rests with the power-holders to show that the status quo is *not* the result of discrimination and injustice. “[I]n this more negative sense, there is an argument from justice for parity between women and men” that can defend the significance of women’s equal presence in power relations (Phillips 1995: p. 65). Symbolically, Phillips argues, the presence of women enhances the legitimacy of a democratic country. She dismisses the argument that quotas are ‘reversed discrimination’, and as such unfair (p. 62), stressing that quota measures rectify past discrimination, secure equality of representation and challenge the dominance of men, specifically in societies that have historically placed women in a subservient position (p. 82). She is careful to argue that the presence of female legislators (descriptive representation) “does not guarantee that they will ‘act for’ women” (substantive representation (pp. 80–83) and goes on to say that quotas do not unify women along common positions, but bring greater numbers of women into parliaments possessing different sets of values, concerns and experiences – important elements, she believes, to challenging the dominance of the male in politics,

improving political debate, transforming institutional culture and safeguarding women's interests (Phillips 1995: pp. 71–72).

Recognising that accountability mechanisms are still problematic, Phillips nevertheless maintains that inclusion of women is necessary specifically, where interests are not yet fully developed. The presence of women in the assembly enhances the articulation of these interests, and their protection from being discounted by men (p. 78). However, Phillips does not specify the number of women required for 'presence' to be significant and to impact political decisions.

In her 2005 article, 'Quota Problems: Combating the Dangers of Essentialism', Jane Mansbridge argues that the under-representation of women cannot be rectified in the absence of quota measures. Gender quotas are a means to achieve descriptive representation, which enhances substantive outcomes for women. She argues that: 1) "descriptive representation is substantively and symbolically vital not only for women's groups, but for the polity's de facto legitimacy; 2) the under-representation of women in a representative assembly is a result of structural exclusion of women; and 3) quotas are effective and relevant mechanisms to increase the extent of women's representation" (Mansbridge 2005: p. 622; see also Mansbridge 1999: p. 653). Clearly, the first two arguments underpin the significance of quotas in response to international norms requiring women's inclusion in decision making in the interests of justice and equality. In other words, gender quotas play a significant role in advancing gender equality. Mansbridge recognises that women are under-represented because of institutional barriers, and that gender quotas are a relevant solution to recompense women and increase their descriptive representation. Gender quotas bring a greater number and diversity of women, she contends, which in turn produces more insight and information on the basis of which the policy concerns of women can be addressed. Many women will use their experiences to articulate interests and issues specific to women, which are rarely brought forth in male-dominated politics. So, quotas facilitate descriptive representation whereby women are more able adequately to represent themselves. Gender quotas improve the quality of deliberations, in the sense that the representatives "are in their own persons the reality of the problems affecting women" (Mansbridge 1999: p. 644) and have the

ability to communicate with other legislators. Symbolically, Mansbridge argues, the presence of women representatives in the assemblies makes it hard for other legislators to ignore women's interests and issues which are not yet fully developed – 'uncrystallized' interests (p. 626). Quotas are also important in challenging entrenched discrimination that gives preference to male over female candidates and regards women as having inadequate experience for political office.

In practice, Mansbridge contends, quotas enable women to get the full representation that proportionality allows so as to attain deliberative collaboration (greater numbers, greater diversity and better information and insights vis-a-vis addressing policy concerns); critical mass; and the ability to influence the dominant group (Mansbridge 2005; 1999: pp. 636–337). Like Phillips, Mansbridge argues that the relationship between descriptive and substantive representation is based on gender (shared experience) rather than sex (visible characteristics). This gives women communicative advantages and enables women representatives to build trust with the women they represent (Mansbridge 1999: p. 641).

To avoid the problem of essentialism, Mansbridge (2005: pp. 630–35) recommends advocates of quotas to build claims around past discrimination and differences in experience between men and women, rather than innate characteristics, and the need for quotas to represent the diversity within the women's groups (p. 635).

Joni Lovenduski's book, *Feminizing Politics* (2005), complements some important suggestions in the preceding analysis, by describing the politics of quotas and their increasing use as a mechanism to engineer equality in women's political representation. Her analysis supports gender quotas and emphasises the significance of recognising context and institutional specificity in feminising politics, that is, the integration of women both in terms of 'ideas' and 'numbers' to avoid essentialising women and making them a special category needing special attention as to their interests, concerns and perspectives (pp. 12–15). Lovenduski agrees with Mansbridge and Phillips that women need to represent themselves to ensure that their interests are defended and advanced in policy making (pp. 16–18), and that quotas

increase the presence of women, which is vital for changing an institutional culture and articulating women's priorities and policy concerns.

**Critical mass:** Feminist advocates raised the idea of critical mass in the 1980s to explain why some female legislators were less efficient than male legislators, while others behaved so similarly to male legislators. Over time, the term was conceptualised and used to explain how many women were required in order to make an impact in decision-making bodies. The concept builds upon work on women in American corporations by the organisational sociologist, Rosabeth Moss Kanter (1977, in Childs and Krook 2008: pp. 108–110). Observing the effect on the culture of a large American industrial corporation of changing proportions of women, she constructs four categories of groups: *uniform* groups contain only men or women (100:0), *skewed* groups contain a large imbalance of men to women (85:15), *tilted* groups contain about 35 of the minority group, men or women (65:35), and *balanced* groups contain about half of each sex (60:40 and 50:50). She observes that the “relative numbers of socially and culturally different people in a group” – differences which derive from ‘salient master statuses’ like sex, race and ethnicity – are “critical in shaping interaction dynamics” in group life (p. 109). Kanter contends that when the minority group is below 15 per cent within a large society, they become ‘token participants’ and when the group size increases to at least 30 per cent of the large group the interaction dynamics change.

Dahlerup applied the theory and rejected it in favour of her theory of minority representation. In her study (1988) ‘From a Small to a Large Minority: Women in Scandinavian Politics’, she identifies areas in which women's representation might have an impact, and confirms 30 per cent representation as a crucial threshold above which women can influence decisions. Although ‘numbers do count’, she asserts, it is impossible to conclude that the improved political environment and policy changes are an outcome of the 30 per cent critical mass. She contends that a few women, rather than all, decide to work on behalf of other women to bring about policy change (p. 286).

The critical mass theory is problematic because it raises the expectation that descriptive representation might lead to substantive representation if ‘enough’

women – a critical mass – are present. In other words, it assumes that more women will act more responsively on behalf of women, resulting in important changes in culture, values, norms and policy outcomes. Yet, there is no guarantee that female parliamentarians will work for women, because women are diverse, with different interests and multiple identities (Lovenduski 2005; Phillips 1995). Thus, the assumption of women working for women not only places a burden on female parliamentarians to produce substantive outcomes, but overlooks other variables such as gendered power relations, institutional environment, norms of appropriateness and backlash (Yoder 1991, in Lovenduski 2005: p. 143). These are elements of institutional gender regime, according to Lovenduski, which affect the participation of women in politics (see also chapter three).

The critical mass theory explains how women in small numbers may not make much difference because they are reduced to ‘token’ or symbolic representatives and viewed as illegitimate participants. They are easily identified within the group, have limited capacity to influence decisions, and tend to adapt to the surroundings and comply with the predominant rules of the game. As a result, token women experience performance pressures. Women are expected to work more than men to prove their capabilities; there is token isolation, whereby women are compelled to become either outsiders (‘observers in politics’) or insiders – ‘effective barriers’ to women’s policy concerns; and there is role entrapment, which forces women parliamentarians to choose between ‘female stereotypes like mother or iron maiden’ (Childs and Krook 2008: pp. 109–111). Thus, tokenism limits change by maintaining the numbers of women at a low level, rather than making efforts to increase the number of women in the assembly.

Despite the challenges inherent in its use, critical mass has an intuitive appeal and widespread diffusion into policy and political spheres, particularly around the 30 per cent target. Even though feminist political scientists are somewhat sceptical that there is a ‘magic number’ or threshold that works across all institutional contexts, the ideas behind critical mass remain in use to back up campaigns for gender quotas. Still, Childs and Krook (2008) emphasise that critical mass – i.e., proportions – might not be as significant as the presence of critical actors. They argue that beyond

numbers and *when* women make a difference, there is a need to look at *how* substantive representation of women occurs. That is, there are ‘critical actors’ or ‘feminist champions’ (female or male), within or outside government institutions, who initiate reforms and play a key role in advancing women’s policy concerns in the absence of critical mass. Critical actors can be motivators – those who bolster policy change, put up plans, mobilise and encourage women to take action; supporters – allies, followers, caretakers at particular junctures; and extremists – those who react against feminist goals or insist on preserving masculinist political cultures and institutional norms (see Childs and Krook 2008: p. 116; Mackay 2008: p. 131).

Drawing on the insights of various feminist political scientists, the literature reviewed in this section has shown arguments about representation/under-representation that underpin the promotion of quotas. Many feminists support quotas *on balance* – that is, they have concerns about the limitations of quotas in guaranteeing the representation of all historically excluded groups or interests, the nature of representation, essentialism, representatives who ‘act for’ women’s concerns, and mechanisms of accountability. Nonetheless, they think that quotas are the best solution on hand. Gender quotas facilitate descriptive representation, which increases the number of women with wide-ranging perspectives and insights who can render the debate on women’s policy concerns more productive. The presence of women in the legislature is also important symbolically, as it speaks to the legitimacy of democracy, protection of women’s priorities and the transformation of masculinist culture. The next section provides a general debate about gender quotas.



## Gender Quotas: Arguments for and against

While it can be argued that the enthusiasm to adopt gender quotas draws attention to a renewed interest in women's representation in political institutions, the idea of quotas has brought arguments for and against quota to the centre of contemporary debate in political science. Feminist scholars currently support quotas on several grounds: (a) women make up half of the world's population and have a right to half of the seats – the justice argument (Phillips 1995); (b) women have different experiences (biologically or socially constructed) that ought to be represented – the difference/experience argument; and (c) women and men have partly conflicting interests, thus men cannot represent women – the interest group argument (Mansbridge 1999, 2005). A fourth argument deals with the importance of women politicians as role models who may inspire or embolden other women to join politics (Mansbridge 1999; Phillips 1995). Some arguments are context-specific and are affected by discourses and institutional cultures, but are generally similar around the world (see Abou-Zeid 2006: pp.186–188; Childs 2008: p. 81; Dahlerup and Freidenvall 2005; Dahlerup 2006: pp. 296–300; Franceschet and Piscopo 2008; IDEA 2013; Lovenduski 2005: pp. 95–98; Tripp *et al.* 2006: pp. 124–128). Advocates of quotas present arguments both supporting and criticising quotas, hence in this section I list some of the common arguments set forth for and against their introduction:

### *Arguments against quotas:*

- Quotas are against the principle of equal opportunity for all, since women are given preference over men.
- Quotas are undemocratic, because voters should be able to decide who is elected.
- Quotas imply that politicians are elected because of their gender, not because of their qualifications, and that better-qualified candidates are pushed aside. There is a concern that unskilled women will serve as tokens, who are unable to challenge the political system.
- Quotas devalue the status of women who win without the help of quotas.

- Politics is men's business. Resistance to quotas is based on patriarchal social relations and gender roles. Women, being the principal caretakers of the home and the family, are expected by their society to remain in the private sphere. Women are unwilling to take part in politics, and believe that they should not be elected just because they are women. Seemingly, this notion has declined in recent years as more women are elected, particularly in sub-Saharan Africa.
- Quotas violate the principles of liberal democracy. That is, any attempt to redress the under-representation of women based on gender, ethnicity etc. and using quotas, highlights different groups and categories instead of treating each and every woman as an individual based on equal opportunity and merit. Advocates of liberal democracy emphasise that political representation should be a choice between ideas and party platforms, not between social categories.
- Introducing quotas creates significant conflict within the party organisation. That is, the rules of candidate selection, and norms, may be biased, imperfectly implemented or place excessive autonomy in the hands of party selectors to exclude certain groups and select for loyalty at the expense of merit.
- Quotas for women will be followed by demands for quotas for other groups, based on ethnic and regional claims, which in the context of Africa might generate many claims and counterclaims.
- Quotas will be promoted by political elites for a 'variety of reasons and serve a number of distinct ends', such as to gain the support of the female electorate (Dahlerup and Freidenvall 2005; Dahlerup 2006; IDEA 2013; Lovenduski 2005).

### *Arguments for quotas*

- Quotas for women do not discriminate, but compensate for actual barriers that prevent women from gaining their fair share of political seats (Mansbridge 1999; Phillips 1995).
- Men cannot represent the interests of women. Only greater numbers of women can represent the diversity of women's interests, which can be biological (concerning, for example, child-bearing or breast cancer); social (sexual violence, child equality); or institutional (exclusion from socio-economic and political programmes).
- Quotas imply that there are several women together in a committee or assembly, thus minimising the stress often experienced by token women.
- Women have the right as citizens to equal representation.
- Women's experiences are needed in political life. That is, women have had the different experiences, diverse perspectives, styles and approaches needed to enrich politics for the betterment of all.
- Election is about representation, not educational qualifications.
- Women are just as qualified as men, but women's qualifications are downgraded and minimised in a male-dominated political system.
- It is the political parties that control the nominations, not primarily the voters who decide who gets elected; therefore quotas are not violations of voters' rights.
- Introducing quotas may cause conflicts, but perhaps only temporarily.
- Quotas can contribute to a process of democratisation by making the nomination process more transparent and formalised.
- Quotas can contribute to economic development and the ability to challenge gendered norms.
- Quotas do not discriminate against individual men. Rather quota rules limit the tendency of political parties to nominate *only* men. For the voters, the opportunities are expanded, since it now becomes possible to vote for women candidates.

- Several internationally recognised conventions on gender equality have set targets for women's political representation, including the CEDAW and Beijing Platform for Action.
- How can it be justified that men occupy more than 50 per cent of the parliamentary seats in the world? (Dahlerup and Freidenvall 2005; Dahlerup 2006; IDEA 2013; Lovenduski 2005).

The literature reviewed in this section has certainly shown that quotas measures are important for increasing the number of women. Yet, the arguments put forward for and against quotas suggest that caution is needed to avoid essentialism, and quotas reaching the political agenda for both feminist and non-feminist reasons. Whereas feminist academic concerns focus on freezing of identities, problems of critical mass and the relationship between descriptive and substantive representation, these issues are not necessarily widely considered in political debate as such. Indeed, feminists and practitioners continue to make strategic use of critical mass and the notion is widely accepted in national and transnational debates.

The various arguments for and against are useful in informing quotas design and practice, enhancing clarity and improving the legitimacy of quotas. The next section explores gender quotas design and practice.

### **Gender quotas: Design and practice**

The design and practice of gender quotas differ across the globe. In this section I focus on sub-Saharan Africa, where three common types of quotas system exist: 'reserved seats', 'legal candidate quotas' and 'voluntary party quotas' (IDEA 2013).

**Reserved seats** quotas regulate the number of women elected. Basically, a percentage of seats is formally reserved for women in the legislative assembly. The reserved seats are approved through constitutional reforms which allocate separate electoral rolls and districts for women. After elections, seats are apportioned to political parties based on their proportion of the popular vote. Reserved seats guarantee the presence of women in the legislative assembly (as in Tanzania).

**Legislative** quotas regulate the candidate selection process, setting a minimum percentage of women, usually 25 to 50 per cent of all candidates. The legislative quotas are mandated either by the constitution (as in Uganda) or by electoral law (as in Sudan), and are endorsed by the national parliament (Childs 2008; IDEA 2013). Legislative quotas are compulsory for all political parties – though parties may ignore them in practice. Legislative quotas are increasingly being adopted in post-conflict states and countries in transition to democracy, including those in sub-Saharan Africa (Ballington 2004; Bauer 2012; IDEA 2013).

**Voluntary party** quotas require political parties to include a certain percentage of women as election candidates. It is not mandatory. It differs from the reserved quota system in that it deals with the candidate selection process rather than the final proportion of women elected (Childs 2008; IDEA 2013; Krook 2009b). Party quotas oblige party elites to be formal and transparent in the recruitment process to minimise bias. Voluntary quotas tend to set higher targets for women (usually 25–50 per cent of all candidates), resulting in dramatic increases in women’s political representation (see Geisler 2004; Bauer 2004).

Gender quotas can be introduced at the national, regional or local level of the political system, but work differently under various electoral systems (Dahlerup 2006). Generally, gender quotas target three stages of the candidate recruitment process: selection of aspirants within political parties; nomination of candidates who stand for election; and reserved seats as a mandatory component of legislature or government (IDEA 2013). In stage one – finding aspirants – political parties call for an expression of interest. Women intending to run for election are nominated at grassroots level or by local party committees. Gender quotas rules are used to specify the number of women to be represented in the pool of candidates. This method has been used in majoritarian electoral systems and in women’s lists, for example in Sudan. In stage two – nomination of candidates – legal or voluntary quota rules are used. The rules specifically demand the selection of women according to the quota target 25, 30 or 50 per cent. In stage three – reserved quotas – the quota rule requires specific proportions of the overall number of elected members to be women. Reserved quotas oblige political institutions and parties to allocate a certain number

of seats to women (IDEA 2013). In most cases, however, quotas are used in stage two (nomination) because it involves setting up a certain proportion for representation of women on the electoral ballot (Dahlerup 2006).

There are four major electoral systems: proportional representation (PR); majoritarian; plural; and mixed systems (Caul 1999; Matland 2006; Norris 2004; Reynolds 1999). The systems vary, according to their operations, as to outcomes for women's representation, but party-list PR produces high levels of women's representation compared to other systems (Norris 2004; Tripp and Kang 2008). The success of PR, according to Norris (2004), depends on the relevant political culture, party system and colonial background, as well as the level of democratic development. Political parties present socially balanced slates of candidates to the voters in order to demonstrate their modernity and gender ideology. For democratic countries the use of PR with party-list quotas is preferred because it does not discriminate in favour of one sex or the other. That is, it includes women without excluding men, which makes it favourable to women as it minimises political intimidation. Likewise, evidence provided by Tripp *et al.* (2006: p. 125) from research in Africa shows that the use of PR with quotas has not resulted in tokenism.

However, good electoral design, according to the literature, is central. The design favourable to quotas requires high magnitude (in terms of the number of seats per district), a closed list, placement mandates, sanctions for non-compliance and actors' commitment (Dahlerup and Freidenvall 2010; Matland 2006; Tripp and Konate 2008). High magnitude guarantees the elections of many parliamentarians, and consequently creates an opportunity for a balanced slate. When district magnitude is low, the list of candidates might be well balanced; on the other hand, party elites may decide to select the top one or two candidates most appealing to them rather than the electorate. Closed-list (as opposed to open-list) PR helps to ensure that there is equitable representation amongst the parties; open-list PR might result in voters wanting to vote for certain types of candidate and not others (Htun and Jones 2002). Specifically, for voluntary party quotas, voters may vote for more men than women, resulting in more male parliamentarians. A placement mandate requires parties to make a fair distribution of ranked places according to a particular formula. In most

cases, parties are directed to place female candidates at winnable positions rather than the bottom of the party list in a PR system, according to the agreed rules and merits.

The choice of gender quotas, and their success, is influenced by the type of electoral system which a country uses. Experience shows that voluntary party quotas work well with PR, while reserved quotas are often used with the plurality electoral system. Legislative quotas can be used in mixed electoral systems comprising both PR and plurality systems (Tripp and Kang 2008; Yoon 2010). Some feminist works on political institutions have analysed electoral systems as a way to address the problem of under-representation. They agree that women benefit from PR and party-list systems (Caul 2001; Lovenduski 2005; Norris 2004) and the use of quotas offers an opportunity to increase the presence of women in politics.

The design of quotas touches upon the importance of institutional environment and the rules and norms for candidate recruitment. Studies show that rules are routinely overlooked, or established but imperfectly implemented or observed by institutional actors (Goetz 2010; Kenny 2009; Lovenduski 2005; Murray 2010). For example, rules set by political parties to include 30 per cent women as election candidates are often overlooked by party selectors. Other rules may provide for 50/50 or 'zebra' guidelines, directing men and women to be alternated on the list. However, if men are routinely placed in the first position and women in the second position, then in those cases where a party wins only one seat, the outcome will be distorted (Dahlerup and Freidenvall 2010). Repeated ranking of men in first positions and women in second positions may continue to normalise the exclusion of women in politics and undermine the implementation of quotas. The ranking and selection process can also be influenced by informal rules entrenched in patronage politics. In such context, who represents the party may be decided according to the interests of individual power-holders inside parties (Goetz and Hassim 2003; Goetz 2010). Such institutional environments and practices deny women's citizenship rights, weaken capacity-building initiatives and discourage women from coming forward for political nomination.

Having looked at quotas design and practice, and institutional environment, the next section critically reviews the regional literature and highlights distinctive features that have enabled the adoption and implementation of quotas in the sub-Saharan Africa region and post-conflict countries.

### **Gender quotas in sub-Saharan Africa and post-conflict countries: Trends, campaigns and key actors**

Quotas for women in Africa can be traced back to the early 1960s. Ghana was the first country to introduce quotas after gaining independence in 1960, followed by Tanzania, which reserved 15 legislative seats for women in 1975, and Egypt, which between 1979 and 1986 adopted eight per cent quotas for women parliamentarians. Senegal reserved one-quarter of its seats in 1982, while Uganda adopted reserved seats in 1989 (Tripp *et al.* 2006). After the Beijing Platform of Action (BPfA), most African countries developed national plans to implement BPfA recommendations and monitor progress over time. Correspondingly, transnational programmes influenced regional bodies, including the African Union (AU) and Southern African Development Community (SADC), to set targets, and member states to adopt quotas policies. Since 2000 increasing numbers of countries have adopted different types of gender quotas. In mid-2012, eight sub-Saharan African countries (Rwanda, Seychelles, South Africa, Mozambique, Angola, Uganda, Tanzania and Burundi) were among the top 30 countries worldwide in terms of women's representation, with at least 30 per cent women in a single or lower house of parliament (Inter-Parliamentary Union 2013).

### **Key actors, players and norms**

Campaigns for quotas and their spread across the sub-Saharan region are the result of many factors. First, international norms and transnational sharing. The literature on women and gender quotas identifies external pressures from global social institutions



such as the UN which support women's participation in conferences for knowledge, information sharing and dissemination (UNIFEM 2005, 2009). The interaction between the transnational/global women's movement and national women's movements has in many cases provided information, and communication and lobbying skills, to activists who, in turn, have pressurised their governments to adopt quotas. Over the last two decades, there has been increased recognition in the region that women's right to participate in the public sphere on an equal basis with men was widely pronounced in international and regional instruments. An international normative standard such as the CEDAW has been used as leverage for reforming national laws to conform to global standards. For example, Article 7 of the Convention requires state parties to take appropriate measures to eliminate discrimination against women and ensure that women and men participate in elections on equal terms. In this regard, general recommendation 25 strengthens the CEDAW by directing state parties to take special measures to rectify the inherent gender imbalance caused by the discriminatory dimension of past and current societal cultural contexts constraining women's access to institutions and participation in the political sphere.

Many countries reporting to the UN Division for the Advancement of Women have used international and regional conventions and bodies to augment national efforts, thus establishing international norms and women's conferences as enabling mechanisms for feminist lobbying. One aspect which illustrates the significance of international norms is the introduction of affirmative action and quota policies in sub-Saharan Africa in 1995, following the UN Fourth World Conference on Women held in Beijing (out of which came the Beijing Platform for Action). The BPfA as adopted by government delegations required women's equal participation in all forms of power structures and decision making. It emphasised that women's access to political power was a fundamental prerequisite for social justice and democracy and a necessary condition for women's interests to be taken into account (United Nations 1996). The policies adopted at BPfA were primarily influenced by women's NGOs and movements at national, regional and international levels (Dahlerup 2006). After the BPfA, many sub-Saharan African countries developed national plans to

implement recommendations on the status of women, with progress monitored over time (Geisler 2004; Tripp *et al.* 2006). The global commitment target for the minimum level of representation for women in decision making at all levels is set at 30 per cent, and has been reinforced by other international and regional instruments such as the Millennium Development Goals (MDGs), which make gender equality a central goal by the year 2015.

The second factor is regional norms and the impact of intercontinental spreading. The diffusion of quotas in the sub-Saharan African region is connected to international norms and the women's movement. It has been argued that pressure from the women's movement and calls from international bodies have resulted in international norms being adopted by regional bodies (Tripp *et al.* 2006). Regional bodies and their parity clauses include the AU, SADC, the East African Parliament, the Economic Community of West African States (ECOWAS), the Solemn Declaration on Gender Equality in Africa (SDGEA)<sup>3</sup> and the Intergovernmental Authority on Development (IGAD) Gender Policy, all of which have followed the principle of 50 per cent representation. The regional and continental bodies have instituted mechanisms and created specific departments for gender equality to encourage member states to adopt and domesticate policies for increasing women's representation at decision-making levels. The regional influencers, particularly SADC, have served as an impetus in influencing member states to increase the representation of women in national and local government bodies. The regional initiatives have also encouraged the international community to support the promotion of gender equality programmes and quotas in post-conflict countries.

The third factor is mobilisation of women's organisations. Several studies have found that African women's organisations use international and regional instruments as tools to back up their campaigns for quotas and women's human rights (Ballington 2004; Tamale 1999; Tripp *et al.* 2006; UNIFEM 2005). The organisations use

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<sup>3</sup> Solemn Declaration on Gender Equality in Africa (2004): strengthens African ownership of the gender equality agenda. Available from <<http://www.africa-union.org/root/au/Conferences/Past/2006/October/WG/doc.htm>>. Accessed 20 June 2010.

various strategies including training and sensitisation of women's groups, lobbying, advocacy and activism to engage with actors, policy makers and the public at large on women's political rights. The organisations, with their allies from international organisations and donor agencies, have facilitated cross-partisan networks among women who link with each other through transnational and cross-border conferences in a number of cases (UNIFEM 2009; see also chapter five for the case of South Sudan). The conferences have been an important vehicle for communication, sharing of best practice and coalition building. For example, the action plan developed at the End of Decade Conference in Nairobi on 13<sup>th</sup> December 1985 provided a vital opportunity to refocus energies, build alliances across the continent and lobby governments. The Nairobi Forward-Looking Strategies urged all governments to contribute to the strengthening of institutional coordination in their regions and sub-regions in order to establish concerted arrangements, appoint women to decision-making positions and integrate their concerns in policy formulation. This reinforced the capacity and confidence of women's organisations to engage with states and demand their rights (see also chapter eight).

In particular for post-conflict countries, women's organisations and activists have used the United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, to demand quotas and women's representation in decision making, including peace talks and peace building (Dahlerup 2006; Tripp *et al.* 2006; Waylen 2007). The resolution demands that actors, when negotiating for peace, integrate gender perspectives and include women, from peace accords through to constructing systems of governance.<sup>4</sup> South Sudan is an example of a country which used UNSCR 1325 to advance gender policy and quotas. Following the signing of its peace accord, South Sudan was, in the Interim Period, under the government of Sudan, which had not signed the CEDAW (see chapter five).

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<sup>4</sup> UN Security Council Resolution 1325 (2000). Adopted by the Security Council at its 4213th meeting, on 31 October 2000; at pp. 1–4. Available from:

<<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>>.

Accessed 20 June 2010.

The fourth factor is post-conflict reconstruction. Several sub-Saharan African countries emerging from recent civil wars or wars of liberation (including Rwanda, South Africa, Namibia, Uganda, Sudan and South Sudan) have adopted various types of gender quotas. Historically, women in these countries were regarded as unfit to participate in public affairs or challenge male contenders due to socio-economic, political and cultural norms. Long-term conflicts fragmented patriarchal social relations and created space for women to assume non-traditional roles. After conflict, women participated in reconstruction programmes involving crafting of constitutions and re-establishing parliaments. These were critical junctures that opened space for contestation of rules and norms (Geisler 2004; Goetz and Hassim 2003; Tamale 1999; Tripp *et al.* 2006; Waylen 2007). As a result, the continent has become home to numerically the most countries worldwide that have adopted 50/50 campaigns for gender equality in political representation.

Building on the post-conflict scenario, the spread of quotas has been accelerated by the movement towards democratisation and political liberalisation throughout Africa (Bauer 2004; Goetz and Hassim 2003; Tamale 1999; Yoon 2010). In some countries, the resumption of multiparty has resulted in cooperation between women's organisations that cuts across party lines (*GEM News* 2009; UNIFEM 2009). Women from the diaspora returned home and joined local women's movements, created political organisations, trained local women and formed stronger networks between women politicians and women's civil society organisations (CSOs) to mobilise for political inclusion (Geisler 2004; Tripp *et al.* 2006). Consequently, different types of gender quotas have been adopted across the sub-Saharan African continent, as illustrated in the next section.

### **Types of gender quotas adopted in sub-Saharan Africa and post-conflict countries**

**Legislative quotas:** Legislative quotas are mainly found in recent post-conflict countries. This type of quota has contributed rapidly to an increase in women's representation in the national parliaments of these countries, as shown in Table 2.1.

**Table 2.1: Women in national parliaments for countries with legislative quotas**

Country	Lower or single house			
	Elections	Seats	Women	%
Rwanda	2008	80	45	56.3
Tanzania	2010	350	126	36
Uganda	2011	386	135	35
Burundi	2010	105	32	30.5
South Sudan	2011	332	88	26.5*
Kenya	2013	350	65	18.6
Burkina Faso	2012	127	20	15.7
Somalia	2012	275	38	13.8

Source: Inter-Parliamentary Union. Available from <<http://www.ipu.org/wmn-e/classif.htm>>. Accessed 6 September 2013.

\* Results from the field after 2010 elections indicate 32% women elected on quotas, party lists and geographical constituencies.

**Voluntary party quotas:** The results here are mixed, since the adoption and implementation of party quotas is not mandatory. Some political parties set higher percentages of women as election candidates, such as the African National Congress (ANC) Party in South Africa and the SWAPO Party in Namibia (see Table 2.2) while others set low percentages of women such as NPDS in Niger (see Table 2.3). Party quotas are now extensively adopted in Africa, where they coexist with legislative quotas. In countries as diverse as South Africa, Namibia, Mozambique and Kenya, the ‘50/50’ movements are actively mobilising for one-half of parliamentary seats for women. The campaign groups regard a one-third (30 per cent) goal as inadequate for women’s political representation.

**Table 2.2: Women in national parliaments for African countries with voluntary party quotas**

Country	Lower or single house			
	Elections	Seats	Women	%
Seychelles	2011	32	14	43.8
South Africa	2009	400	169	42.3
Mozambique	2009	250	98	39.2
Namibia	2009	78	19	24.4
Zimbabwe	2008	214	32	15.0
Botswana	2009	63	5	7.9

Source: Inter-Parliamentary Union. Available from <<http://www.ipu.org/wmn-e/classif.htm>>. Accessed 6 September 2013.

Party quotas address candidate selection process and are sometimes backed up by enforcement mechanisms such as penalties, as in Angola, Mauritania and Niger (see Table 2.3). The Niger Electoral Law (2002) obliges all competing political parties to allocate 10 per cent of their elected positions to women. In the run-up to its 2009 elections, Niger reserved 10 per cent of all seats (113) resulting in 15 seats for women representatives elected to the National Assembly (IDEA 2013; Inter-Parliamentary Union 2013). In Angola the government obliges political parties to include rules which encourage the promotion of equality of opportunity, and equity, as between men and women, as well as a gender representation of not less than 30 per cent (IDEA 2013).<sup>5</sup>

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<sup>5</sup> Political Parties Law, No 2/05 2005, Article 20 amended by the Law 2010, Article 20.

**Table 2.3: Women in national parliaments for African countries with party quotas & enforcement mechanisms**

Country	Lower or single house			
	Elections	Seats	Women	%
Angola	2012	220	75	34.1
Mauritania	2006	95	21	22.1
Niger	2011	113	15	13.3

Source: Inter-Parliamentarian Union. Available from <<http://www.ipu.org/wmn-e/classif.htm>>. Accessed 6 September 2013.

**Reserved quotas:** In these types of quotas, seats are formally reserved for women, and the election commission allocates the seats to parties according to their proportion of the popular vote. Women may be elected through reserved seats either by a district-wide electoral college of men and women (Uganda) or by women in each district (Rwanda). In Tanzania, reserved seats are known as special seats and are allocated to pre-selected women on party lists after the elections in proportion to the number of seats won by the party in the parliament. After the run-up to the 2005 and 2010 elections, women's political representation increased to 30 and 36 per cent respectively (Yoon 2010).

The literature reviewed in this section has shown that quotas are increasingly adopted as a fast-track mechanism for women's access to politics in the region. Quotas are supported by international and regional norms and are spread through transnational sharing, women's mobilisation, post-conflict factors and movement towards democracy. However, outcomes are variable and not all countries have increased the number of women in parliament. Women's organisations in some countries such as Ghana, Nigeria, Liberia and Botswana still struggle to get women-friendly electoral laws enacted (Bauer 2012). This suggests that quotas are context-specific, in the sense that a specific type of quota measure may have different implications within different political environments. In view of this, the next section explores in detail factors influencing adoption and implementation of quotas.

## Factors influencing adoption of gender quotas

There are both internal and external factors which influence adoption of gender quotas. These include transnational diffusion, state objectives, party ideology and actors. Some are context-specific, influenced by historical background or conditioned by institutional environment, as described below.

**Transnational diffusion:** The international community has been involved in programmes aimed at increasing women's rights and political representation. The community provides both technical and financial support to undertake activities such as constitutional and legal reforms, ranging from electoral systems to legislative structures (see, for example, UNDP 2010, 2012; UNIFEM 2005, 2009; USAID 2008). Organisations within the international community support events that bring together women and actors across national borders and beyond, to share information and quotas strategies. Rwanda is one of the post-conflict countries where the international community supported the inclusion of women in politically reorganised systems. In other post-conflict countries, the international community has facilitated dialogue, training, and international events that have played a key role in influencing the adoption of constitutional quotas, such as in Uganda, and voluntary party quotas in Mozambique and South Africa (Bauer and Britton 2006; Hassim and Goetz 2003; Krook 2009).

**Women's movements and transnational experience:** Effective participation of women from the diaspora, national organisations and the women's movements, has been instrumental in the adoption and implementation of gender quotas in post-conflict scenarios (Faria 2011, Itto 2006). However, pressure for women's involvement in post-conflict state-building depends on the strength and presence of national women's movements and their allies, and their level of modernisation. A strong women's movement is required to engage with policy makers, political parties, electoral bodies and the donor community. For example, in Uganda, one of the strongest women's movements in Africa (Tripp 2000) comprised women's professional organisations, religious associations, NGOs, rural self-help and feminist policy advocacy groups. They organised and demanded that women be appointed to leadership positions after President Museveni took over in 1986. A women's



manifesto was developed that called for the establishment of gender machineries at national and local government level. As a result, President Museveni created a Ministry of Women in Development and appointed women to key positions. The President also created one specific seat for women from village to district levels, and in the National Assembly (Goetz 2010; for mobilisation of women in other post-conflict settings see Geisler 2004; Bauer 2004; Bauer and Britton 2006; Goetz and Hassim 2003; Waylen 2006, 2007).

**Domestic context:** Adoption of quotas can be explained as part of a changing domestic agenda which involves the advancement of women, adhering to international and regional norms and responding to pressure from the women's movements (Krook 2007). Occasionally, countries may take action in response to international actors such as UN Women and the European Union, in an effort to display their democratic credentials (Squires 2007; Tamale 1999). But generally, the adoption of quotas will be influenced by a particular party's strategic objectives, party ideology or party platform, such as gender equality and electoral aims; for example, to gain the support of women who form the majority of voters, or to make the party 'look' more representative, as argued by Lovenduski (2005: p. 99). In other contexts, political parties may adopt quotas to recompense women, as argued by Mansbridge (1999) for barriers of culture and custom, or as recognition of women's sufferings during a period of conflict (Geisler 2004; Goetz and Hassim 2003; Itto 2006; Tamale 1999; Tripp *et al.* 2006).

**Post-conflict factors:** Many political institutions, after protracted conflict, have provided political opportunity structures for enhancing the participation of women in institution design and development. Women have used such opportunities to integrate gender rights and influence quotas (Abou-Zeid 2006; Waylen 2007; Tripp *et al.* 2006) resulting in the election of more women to political office. Lesotho, for instance, adopted a 30 per cent legislative quota in the country's first elected local government. As a result, in 2005 58 per cent of those elected were women. Tunisia's 2011 'parity' elections achieved a 27 per cent share of seats in the new legislature for women (Inter-Parliamentary Union 2013).

## Key factors influencing implementation of gender quotas

There are a number of endogenous and exogenous factors – both enabling and constraining – which are important in the implementation of quotas. These include socio-economic, cultural and political practices; actors; and institutional environment. In this final section, I examine these factors and illustrate their impact particularly in the context of strong patriarchal social relations and norms.

**Social-economic and cultural factors:** The acceptability of gender quotas, and political representation, are closely linked to socio-economic and cultural practices with regard to women's position in a given society. Unhelpful versions of these factors are still present in some societies and undermine women's access to political institutions. According to Norris (2004) social factors, including the level of economic development, play a key role in developing countries compared to developed countries. Norris's argument finds support in some research conducted in sub-Saharan Africa which shows that financial constraint occurs at both household and institutional levels (see Tamale 1999; Geisler 2004; Tripp *et al.* 2006; Bauer 2012). Many capable women who could potentially be part of the pool of candidates are unable to access resources. Resources are needed for party membership fees and monthly subscriptions, registration, electioneering, travel and contribution to party activities. Some political parties use party membership and the payment of subscriptions as standard requirements in nominating candidates; others reference an individual's contribution towards party activities; while others expect candidates to fundraise for their own campaigning and participation in political meetings. Additionally, political parties and international organisations promoting women's representation may make no consolidated efforts towards financing female aspirants. This discourages women from developing their political capacity and coming forward for nomination.

At the household level, financial constraint has a gendered dimension. Married women seeking candidacy have limited access to or control over family assets without their husbands' approval. In contrast, married men seeking candidacy through the party lists of geographical seats can sell family assets, including land, for campaign finance. Applying for loans from a credit union requires collateral in the

form of title to land, house or other permanent structure which most women do not possess. Borrowing money from male colleagues might also raise questions and even risk a woman's marriage. In some cases married women are not allowed by their husbands to join politics for other reasons, such as the family's economic situation (Tamale 1999; Tripp *et al.* 2006).

Other advocates of quotas claim that there are potential women aspirants to political office, but that they are always constrained by actors' prejudice, patriarchal culture, limited resources and education, or lack of political connections (Dahlerup 2006; Hassim and Goetz 2003; Krook 2010). These negative attitudes and practices interfere with recruitment processes and affect the implementation of quotas. Political actors set discriminatory standards that tend to favour traditionally masculine yardsticks of popularity, political experience, loyalty, education and the ability to finance campaigns (Krook 2010; Norris and Lovenduski 1995; Tamale 1999). Candidates running for reserved seats are expected to be acceptable to local male party selectors rather than the broader electorate (Goetz 2010; Tamale 1999), suggesting that patronage politics and political connections interact with rules and norms of candidate recruitment to shape the implementation of quotas. In the context of strong patriarchal norms, women attempting to challenge the status quo encounter resistance. Such norms deny women their citizenship right and access to resources and power, and undermine feminist goals.

With regard to culture, customary practices and norms, political activities can risk a woman's credibility and value as a married woman, wife and mother. Women contravening these norms are often mocked, gossiped about and insulted by men and even women in the same community. They are sometimes called 'cheap women' or 'rebellious wives and mothers'. For example, candidates require a range of campaigning activities including meetings with party leaders from national to grassroots level, in order to win their backing. At times, such meetings take place in bars, hotels or during social gatherings. There are norms of decency in terms of when and where married women may meet other men (see Tamale 1999; Tripp *et al.* 2006). Some husbands are reluctant to let their wives attend such functions, thinking that their wives may be seduced or that the local community may ridicule them for

not been able to control their wives. Others fear that if their wives are elected, they may become superior, earn more money and neglect their family and child-caring responsibilities. Strong norms about women's place and role in many African cultures discourage potential aspirants from coming forward or shape the attitudes of those involved in candidate recruitment, hence undermining the implementation of quotas.

**Political parties and institutional environment:** There is a relationship between the institutionalised party system and women's representation in post-transition polities. Political parties are said to be institutionalised when they set and respect rules for candidate selection, and conform to formal rules (Goetz and Hassim 2003; Waylen 2007; Norris and Lovenduski 2010). Conversely, weakly institutionalised parties and party structures have limited technical capacity, less structured political behaviour, less respect for rules and more personalised decision making (Goetz and Hassim 2003). A few actors maintain dominance by employing informal rules and norms which favour certain groups over others. In such contexts, the successful implementation of quotas may be undermined through the recruitment of loyalists or female relatives (Goetz 2010; Tamale 1999; Waylen 2007). Most parties, particularly in post-conflict and transition-to-democracy countries, are poorly institutionalised and embrace patronage politics (Cranenburgh 2008). There are palpable effects, as female aspirants outside the informal patron-client networks find it hard to build support or access resources and power. The patronage system underlying the bureaucratic structure of the state tends to favour and distribute power and resources to candidates closely affiliated to key political elites (see chapter three). Key political elites set standards, change formally agreed rules and make decisions on which candidates should be selected and supported in campaigning. The institutional environment undermines quotas because actors' interests, practices and norms interact to shape decisions about candidate selection and implementation of quotas.

**Political commitment:** Positive political will and commitment by parties and key institutional actors is significant in the implementation of quotas policies. Political commitment is required to direct political institutions, including elections commissions and courts, to establish placement mandates, sanctions and judicial

interpretation of quota laws. However, recent studies have shown that political commitment without ‘enforcement mechanisms and sanctions for non-compliance’ (Dahlerup and Freidenvall 2010: p. 179), is insufficient to ensure implementation of quotas, mostly because actors interfere with and break rules of candidate recruitment (Goetz and Hassim 2003; Kenny 2009; Murray 2010). Political actors may adopt quotas as a symbol of democracy and modernity, without rectifying gender imbalance in power relations. For example, in weakly institutionalised parties, party selectors use their autonomy and excessive power to constrain the access and resources of some candidates, and recruit loyalists (Tamale 1999; Goetz 2010); furthermore, there is a correlation between actors’ interests and deviation from formal procedures (see chapter three). Meena (2003) reported that in Tanzania, the special seats for women were used to ‘add’ more voices to the ruling party (CCM) rather than to redress the historic gender imbalance. This was reflected in party strategies which confined women to reserved seats and promoted constituency-based seats for male candidates. Thus, political commitment is important to ensure that quota rules and sanctions are enacted, implemented and monitored to address women’s under-representation.

## **Conclusion**

Chapter two has critically reviewed the literature on women, gender quotas and political institutions, with particular reference to sub-Saharan Africa and post-conflict contexts. The chapter has answered two main questions: How are quotas adopted and implemented in practice? What factors influence successful adoption and implementation? The evidence presented has shown that there is general agreement that quotas are fast-track mechanisms to address the under-representation of women in the political arena. However, quotas have generated intense debate and controversy both in the academic literature and in politics. The chapter restated the underlying theoretical issues in relation to various debates, then argued that feminist academic concerns about identities, interests and critical mass are not widely aired in political debate. Furthermore, the chapter has shown that women have diverse

interests and concerns which cannot be sufficiently represented by descriptive representatives. However, women representatives can possess the external characteristics of having lived through the same experiences, affording them communicative and informational advantages on which to build trust and represent different women's groups. I examined arguments supporting and opposing quotas, and stressed that such debate is significant in reinforcing the understanding and perceived legitimacy of quotas policies. I analysed quotas design and practice, and factors influencing adoption and implementation, and drew attention to the need for institutional and contextual analysis. Despite the enthusiasm for increased women's representation, the variable outcomes suggest that quotas can serve both feminist and non-feminist ends.

The next chapter explores in detail key concepts and definitions in political institutions in order to explain gender quotas adoption and implementation and to understand variable outcomes.

## **Chapter Three: Understanding Quotas and Gendered Institutions: Key Concepts and Definitions in theory and practice**

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### **Introduction**

Following the adoption and implementation of quotas, some countries show impressive figures for representation of women in parliament: Rwanda, Uganda, Tanzania, South Africa and Mozambique. However, complaints of exclusion and discrimination within candidate recruitment institutions persist. In this chapter I ask: What helps us to understand variable outcomes and continued patterns of exclusion even in the context of quota adoption? I address this question by exploring institutional processes and practices. My central argument is that understanding a) the impact of legacies, b) the impact of institutional environment and c) how political elites enact rules (i.e. rules-in-use and contestation over rules and norms) are fundamental to any explanation. It is my contention that institutional environment, legacies, rules-in-use and actors' practices possess gendered dimensions. Thus, my study takes a broadly institutionally-focused approach. Rather than a fully-fledged 'new institutionalism' (NI) and 'feminist institutionalism' (FI) approach, the study borrows useful concepts and tools from NI and FI to capture the gender dimensions of political institutions and provide explanations of the variable outcomes and sustained patterns of exclusion.

There are limited systematic empirical studies of institutions of political recruitment and the constraints posed to gender quotas and women's representation. This chapter reviews the regional literature on women's representation and institutions of political recruitment in sub-Saharan Africa. In particular, it applies ideas about the gendered dimensions of formal and informal institutions and the complex dynamics of formal and informal rules, to regional cases. In so doing it generates insights into the interplay of factors which shape outcomes.

Section one presents basic definitions of institutions, rules-in-use and their significance to gender quotas and women's representation. Section two examines institutional environment, legacies, rules-in-use and their gendered dimensions. The final section brings discussion together in the regional context, focusing on the dominant informal institutions and norms.

## Definitions

There are different definitions of political institutions that help us to understand what institutions are, their features, behaviours and significance in women's political representation:

**Institutions** are a collection of norms, rules, understanding and procedures that establish conditions for bounded rationality (Peters 1999: p. 29). These institutions, so the argument goes, develop 'political space' within which many interdependent actors function. This implies that institutions establish an environment in which different factors interrelate to bring the desired outcomes. Many, notably Helmke and Levitsky (2004), Lovenduski (2005) and Steinmo *et al.* (1992) argue that institutions are organisations, rules and procedures (both formal and informal) that shape social interaction by enabling or limiting actors' behaviour. Another argument (Lowndes 2010) is that institutions are systems of rules and inducements within which individual actors attempt to maximise their interests. These rules control the game of politics and can shape the long-term historical development of societies. However, it is my argument that there are more factors at play, which should provide an in-depth understanding of institutions.

Studies conducted by Hudson and Lowe (2004) and North (2005) show that institutions include cultures and past decisions which influence political behaviour and policy outcomes. Other institutionalists have described institutions in terms of their characteristics, asserting that institutions are dynamic, vary across space and time, and have a high degree of continuity and stability (March and Olsen 1989; North 1990). Still others claim that institutions are stable, recurring patterns of



behaviour (Goodin 1996); while others have asserted that institutions make rules of the game, so that “transformation from an institutionalist perspective is problematic and fluid” (Krasner 1988: p. 74). Feminist scholars have argued that institutions are ‘gender regimes’ with different ideologies as to how women and men should act, think and feel (Lovenduski 2005: p. 26). They also claim that institutions are gendered, in the sense that they embody certain characteristics of masculinity and femininity in their daily processes and practices, which give privilege to certain groups and constrain others’ access to power and resources. Feminist scholars agree that many traditional institutions are formed by men, controlled by men and figuratively understood as a male space and having a male’s perspective (Acker 1992: p. 567; see also Mackay 2008: p. 130; Dahlerup 2006; Duerst-Lahti and Kelly 1995; Kenny 2009; Krook and Mackay 2011; Norris and Lovenduski 1995; Randall 2010). This wide range of definitions and characterisations suggests that institutions comprise multifaceted factors that interrelate with the human element and with time and context.

There are formal and informal institutions. *Formal institutions* encompass officially sanctioned rules and structures, which are in most cases old rules, but which continue to influence decisions in the new institutions. Formal institutions include state institutions (such as legislatures, bureaucracies) and state-enforced rules (constitutions, laws and regulations or organisation rules), political parties’ and interest groups’ organisational rules (Hudson and Lowe 2004). Political institutions are vertically-nested, so that operational rules are constrained by formal rules (such as constitutions), which are articulated horizontally by institutions that shape socio-economic life. Formal institutions that directly influence implementation of gender quotas include the electoral system, gender quota rules and the party system. Legislated quotas are a type of formal institutions which can constrain political parties’ behaviour and strategies.

**Informal** institutions are unofficial rules, traditions, moral values, religious beliefs or any other norms that are different from the known behaviour (Helmke and Levitsky 2004: p. 727). Informal institutions are not written, codified or printed rules, but are different from personal habits – they are context-specific, widely

known and easily manipulated by actors (Lowndes 2010). According to Helmke and Levitsky (2004) there are four main types of informal institution: ‘complementary’, ‘accommodating’, ‘competing’ and ‘substitutive’.

**‘Complementary’** institutions are created to find the solution to a problem not addressed by formal institutions or to accomplish an individual actor’s personal interests. Complementary institutions enhance efficiency, coordination and decision making. For example, political parties may establish norms such as payment of arrears before elections to solve the problem of outstanding membership fees to improve coordination. Complementary institutions may emerge to solve the problem of under-representation. For instance, the increase in women’s representation in the Ugandan parliament is a complementary decision made by the president to create women’s seats from grassroots to national levels (Goetz 2010).

**‘Accommodating’** informal institutions are created by actors who dislike the outcomes of formal rules, but are incapable of changing them. They create informal institutions to address their interests without necessarily disrupting the formal institutions; or they press for institutional change. In doing so, they ensure that accommodating informal institutions avoid conflict and maintain stability. For example, the reserved seats are constitutionalised in Uganda. Article 180(2) (b) in the 1995 Constitution states that one-third of the membership of each local government council shall be reserved for women. However, recruitment of women is based on numerous norms and informal rules (Tamale 1999), implying that selectors are reluctant to comply with formal procedures. Although their informal procedures undermine electors’ right to choose their preferred representatives, they challenge the cultural norms regarding women’s unfitness for politics by recruiting women. Hence, improve the stability of reserved quotas seats.

**‘Competing’** informal institutions emerge where different actors contest over similar interests. They create a win-win situation in which “to follow one rule, actors must violate another rule” (Helmke and Levitsky 2004: p. 729). These include particularistic informal institutions such as clientelism and patrimonialism, commonly found in new states in which formal institutions were imposed on indigenous rules and government structures. For example, Charrad (2011) observed

that political organisation in new states in North Africa operate as part of patrimonial politics. This implies that if female candidates want to seek candidacy in political institutions, then they must be prepared to engage in patronage politics or affiliated to kin-based societies controlled by powerful male members.

**‘Substitutive’** informal institutions are created when the formal institutions are not able to provide a solution to a common problem. In most cases, however, they emerge where there are weak enforcement mechanisms. For example, it has been reported that the ANC Party in South Africa used gender quotas to recruit professional women rather than the true representatives of women’s groups, in order to increase efficiency in the parliament and counteract opposition (Geisler 2004).

**Institutional environment** is the collection of social, political and legal agreements that establish the base for political activities. The environment comprises systems, formal and informal rules, procedures, customs and norms, and actors’ behaviour (March and Olsen 1989; Lovenduski 2005: p. 26; Helmke and Levitsky 2004). Institutional environment sets the ‘rules of the game’ and makes them compulsory by virtue of the fact that they are enforced by the state, or because they represent the beliefs and rules creating the national or group identity. Understanding the institutional environment is important to explaining the adoption and implementation of gender quotas. Formal rules governing quotas include the type of electoral systems in place: whether there is high district magnitude (population size); closed-list PR; a placement mandate which may include zipping; specific percentage and sanctions for non-compliance. Party systems can also affect the type of quotas which are adopted and implemented.

According to feminist scholars, political institutions embody gender-biased structures and processes, which institutionalise the predominance of certain masculinities, and maintain dominance of some men over other men and most women (Lovenduski 2005; Norris and Lovenduski 1995; Mackay 2004; Kenny 2009). In most cases, women join politics when established sets of institutions and practices are already in place which control access to resources and power. The institutions are able to preserve traditions and cultures, thus safeguarding the elite’s interests and undermining gender reforms. Thus, as Lovenduski (2005) has argued,

the efficiency of institutions should be seen against the background of their traditional practices, including voting, actors' interests, attitudes and values established in a particular context. Political institutions also influence the interaction between various rule-sets, including candidate selection processes, which have differential impacts as between men and women. Women are more affected because the standards set for potential candidates, such as partisanship, loyalty or acceptable qualifications are traditionally masculine roles and characteristics (Krook 2010; Norris and Lovenduski 1995; Randall 2010). The institutional environment is relevant to a large proportion of gender quotas adoption and implementation, because it reveals the interaction between political and non-political institutions and between formal and informal institutions, as well as actors' interests and strategies (see later section for detailed discussion).

**Formal rules** are officially written rules and constraints such as constitution, laws and regulations (North 1990). Formal rules describe what actions are prescribed or forbidden, and the sanctions applied for non-conformity. **Informal rules** are unwritten norms of repeated human interaction, usually inaccessible, but are as effective as formally agreed rules (Lowndes 2010). They exemplify moral codes and norms, which diverge sharply across cultures (North 2005: p. 50). Informal rules include extensions, elaborations or amendment of formal rules – sets of shared sanctioned norms based on tradition, religion, customs and culture, and internally committing standards of conduct (North 1990: pp. 40–1). The sets of shared norms range from **bureaucratic** and **legislative** norms to **patrimonialism** and **clientelism**, which constrain or shape actors' behaviour, decisions and strategies in political institutions (see section three for a detailed discussion about shared norms). Informal rules shape and constrain actors by operating together with formal rules, counteracting or superseding formal procedures (Helmke and Levitsky 2004). In relation to gender quotas, lack of placement mandate or ranking procedure can result in the emergence of informal rules of ranking. Party selectors can easily be influenced to re-arrange the list to favour certain candidates.

**Rules-in-use:** The concept of 'rule-in-use' originates with Elinor Ostrom (cited in Lowndes 2010: p. 74). They argue that there is interaction between formal and

informal rules of the game. The formal and informal rules operate within institutions as 'rules-in-use', which are a set of "dos and don'ts that one learns on the ground". Their interactions facilitate, guide and constrain actors' interests and strategies within political institutions. As stated earlier, informal rules are based on implicit considerations in most cases; however, they are socially derived and therefore inaccessible through written documents.

**Institutional legacies:** The institutional legacy refers to the set of cultural values, beliefs and ideology, as well as political experiences and success, of political institutions passed on from old institutions to new institutions. Exogenous and endogenous factors such as ideological shift, conflict (e.g. civil war) and political pressure, or contestation over rules and norms, as well as institution routine can trigger change (Streek and Thelen 2005). Decisions made in moments of institutional change to newness are often 'path-dependent' (North 2005: p. 62). This is to say, a set of old rules, decisions and norms, and the outcomes of past achievements, exert a significant influence on new institutions, and determine their possible outcomes and paths for future development. For example, in the context of patriarchal social relations, the introduction of quotas may encounter resistance because women are considered unfit for political office. Critical actors may intervene to influence decisions which result in the disruption of traditional belief and the adoption of quotas. Understanding institutional legacy is important for this study, in order to explain factors that influenced the adoption and implementation of quotas, and future prospects of a gender quotas policy.

### **Legacies, institutional environment and rules-in-use**

According to the literature, political actors create, design and respond to a mix of formal and informal rules ('rules-in-use') which can interrelate to, and strengthen each other or address complex issues. As described earlier, the informal rules emerge accidentally or develop over time, established from strategic interactions or bilateral negotiations and bargaining (Lowndes 2010). In most cases, however, there are norms and values which contradict the interests of particular political actors or social

groups and result in non-compliance to formal rules. Informal rules such as running more than one list in each district or nominating more candidates than there are seats available, intensify the under-representation of women. Potential aspirants are discouraged from coming forward for nomination for fear of actors' prejudices, complex procedures and the anticipation of failure (Htun 2002, in Krook 2009; Caul 2001; Norris and Lovenduski 2010). In so doing, women are denied their democratic rights to participate in decision making.

Recent studies have emphasised the need to understand institutional environments and their gender dimensions, stressing that both endogenous and exogenous elements are significant in understanding change and continuity (Lovenduski 2011; Mackay 2008). Endogenous factors include institutional rules-in-use and norms, which have differential impact on, and meaning to, women and men. Exogenous factors include pressures external to institutional environment or control, such as conflict or constant contestations in institutional daily life. Both the endogenous and exogenous factors are important to explaining institutional legacies, continuity and change. At its core, I understand gender to include the relationships between women and men – and indeed among women and men respectively. The relationships can be traced in terms of “power relations, social roles, images and expectations resulting in accepted characteristics of masculinity and femininity, varying over time and across cultures” (Lovenduski 2005: p. 21). In the next section, I begin with a definition of gender and then examine how different legacies continue to shape political institutions and actors' behaviour.

### **Theorising gender and the institutions of political recruitment**

**‘Gender’** is the result of pervasive social construction processes ranging from early childhood socialisation to gender images in the media and practices in the workplace. The construction processes are context- and time-specific, and unstable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between

women and men in responsibilities assigned, activities undertaken, access to and control over resources, and decision-making opportunities (Acker 1992; Mackay 2004). Gender bias develops from a set of social meanings and norms established about accepted ideas with regards to femininity and masculinity (Lovenduski 2005). These norms are often associated with a particular sex: femininity with women and masculinity with men. Masculinity is associated with ‘positive’ qualities such as “rationality, autonomy, practicality, strength, power, logic, boundary-setting, control, and competitiveness” (Hooper 2001: p. 44) while femininity is associated with passivity, nurture, care, emotion and perception. Various forms of masculinity and femininity exist and operate depending on the institutional setting.

Gender expresses the effects of relationships between women and men, and of relationships among women and among men. While West and Zimmerman (1987, in Tamale 1999: p. 28) conceptualise gender as a routine, methodological and recurring accomplishment which is produced through interpersonal interactions, Lorber (1994, in Tamale 1999: p. 28) describes gender as an institution with patterns of expectations for individuals, which orders the social processes of everyday life, and is built into the major social organisations of society such as family, politics and ideology. She goes on to explain that “the social reproduction of gender in individuals reproduces the gendered societal structures; as individuals act out of gender norms and expectations in face-to-face interaction, they are constructing gendered systems of dominance and power”. This suggests that individual women and men, as part of these interactions, ‘do gender’ on a daily basis, and therefore gender is a fundamental dynamic of institutions. Gender relations and norms are, thus, central to institutional analysis (Mackay 2008: p. 130). Gender signifies power relations, as it provides the means by which power has been “conceived, legitimated and criticised” (Scott 1986: p. 1073). Like power inhabited, the relationships are manifested in differences of political power, social relations, symbols, norms, organisations and subjective identities resulting in masculinity and femininity changing over time and across cultures (Chappell and Waylen 2013; Lovenduski 2005).

Feminist political scientists increasingly understand gender as a social construct and conceptualise political institutions as gender regimes with distinctive ideologies of how women and men should act, think and feel (Acker 1992; Lovenduski 2005; Mackay 2004; Tripp 2000). Men's access to power has been reinforced over time through "constantly repeated processes of exclusion" and through organisational rules, routines and processes that have reduced the visibility of women's needs and interests (Lovenduski 2005: p. 50; Chappell and Waylen 2013). In a male-dominated culture, political institutions control access to resources and power, and constrain accessibility through their gendered ideologies (Goetz and Hassim 2003; Mackay 2008; Randall 2010). The institutional barriers are continuously endorsed by actors exemplifying specific masculinity and femininity in different ways, which have different impacts on individuals according to sex and gender (Randall 2010). Sex and gender also interact with other components of interests and identity such as class, race, ethnicity, and nationality, all of which have additional consequences on models of masculinity and femininity (Childs 2008; Lovenduski 2005; Mackay 2004). This means that understanding individual actors' behaviour and the meaning of their actions are a necessary condition for explaining gendered processes in institutions.

However, 'doing gender' means different things for women than for men as institutional actors. When a female candidate refuses to compete with a male contender for fear of political intimidation and violence, both female and male candidates are 'doing gender'. They both agree to the structure of normative gender expectations, which underpins and legitimise gender hierarchy and allows subordination of women by men. Gender norms determine the ways in which women should act in a feminine way or men in a masculine way (Acker 1992; Randall 2010), particularly where political actors – traditionally men – have acted as if sex and gender were mapped onto each other (Tamale 1999), resulting in 'gendered logic of appropriateness' within political institutions (Chappell 2006 in Chappell and Waylen 2013: p. 3). The logic of appropriateness draws attention to ways in which institutions prescribe and proscribe various kinds of norms, rules and values for men and women believed to be fitting in the political arena.



One aspect that demonstrates the ways institutions are doing gender can be identified in the informal rules and standards set for candidate selection where there is construction of gender in ‘ideas, images and belief’ (Ackers 1992: p. 568) to justify femininity and possibly legalise the inclusion of some groups in politics over others. In sub-Saharan Africa, for example, male elites are frequently criticised for their excessive masculinity and their different ways of valuing women, built around unacknowledged traditional conceptions of gender relations. Although all women have rights to run for political office, actors are reported to set biased standards that deliberately promote certain groups, for instance, ‘younger and timid women’, enlightened women and loyalists who are unlikely to challenge gendered norms and structures (Kiggundu 1992, in Tripp 2000: p. 224; Tamale 1999). In some instances, female aspirants have been forced to resign because their husbands thought that their wives would overpower them (Geisler 2004; Tamale 1999). Furthermore, in campaigns and in other political programmes, women are assigned a subordinate role, despite the fact that both men and women are members of political parties. The way of valuing and the way of being show that institutions are doing gender in their daily conversations and interactions. This discourages women from participating in politics, thus undermining their citizenship and democratic rights.

Another aspect of doing gender is illustrated in the use of identities to constrain certain group in their access to political institutions. Several studies have showed that chauvinistic male actors use identities such as marital status, social status or family background to criticise, categorise and evaluate female candidates’ sense of responsibility and commitment. Tamale (1999) observes that in Uganda’s 1996 elections campaign, female candidates were disparaged for seemingly neglecting their husbands and families. She notes that married female candidates had to bring their husbands to campaign rallies to prove that they were attached, while single female candidates were asked to explain why they were single. Likewise Geisler (2004: p. 173) found that politically ambitious women remain ridiculed and challenged about their capacities to handle both political office and their primary obligations as mothers and wives. By women responding to the accepted conservative way for their sex category to fulfil the perceived qualities of a suitable

candidate, both women and male party selectors are ‘doing gender’ or, to put it in Tamale’s words, “men are doing dominance and women are doing deference” (Tamale 1999: p. 29). Such cases demonstrate the way in which political institutions can establish gender-biased rules, norms and practices that benefit certain groups over others.

Building on the idea that both men and women as institutional actors are doing gender, I illustrate in this section that some practices are largely accepted by women who want to acquire the power base necessary for political office. According to Tamale (1999), women seeking candidacies in Uganda’s 1996 parliamentary elections produced contradictory messages. During campaigning, some candidates lobbied for women’s rights and gender equality, while others denounced feminism, arguing that they were not among women activists or rather feminists who constantly challenge patriarchal structures and gender norms: “I am not advocating for equality for women at home; only equality in the workplace.” Another said: “I am not for women’s equality ... I always serve meals to my husband kneeling down! I know how to give men the respect they deserve.” The few who were reluctant to compromise or say what the actors expected to hear were ridiculed (*ibid.* p. 96). Elsewhere in Africa, ‘older, less educated, middle-class women’ have been used by male bureaucracies to lead campaigns against ‘younger progressive women’ who were willing to forego their biological role for the freedoms of a professional life (Geisler 2004). This particular practice not only shows that institutions are doing gender, but it indicates a breach of rules and strategies by which political actors who dislike the outcomes of formal institutions can use to create informal institutions.

Still, gendered rules and norms continued to be created even when the elections were over. This implies that institutional change is hard to control (March and Olsen 1989; Krasner 1988) due to competing norms and values. Some female MPs practised what women are expected to ‘do’ so as to be ‘neatly fitting’ into the masculinist world of politics whilst also maintaining their femininity. In her study on gender and parliamentary politics in Uganda, Tamale (1999) draws attention to legislatures’ own set of discriminatory gender norms and, to use Chappell’s expression, ‘gendered logic of appropriateness’ (Chappell 2006, in Chappell and

Waylen 2013). Although these norms are extracted from parliamentary politics, they indicate to a large extent the norms prevailing in institutions of political recruitment, shaping female MPs' ways of thinking, behaving and associating in political institutions. The informal rules and norms were collected from both informal discussions and an induction workshop for Ugandan female parliamentarians after the 1996 elections. The workshop organised by FOWODE<sup>6</sup> covered various topics including interpersonal relations, the image of a woman parliamentarian, parliamentary procedures, the art of speaking, and confidence building. It appears that the topic on the 'image of a woman parliamentarian' generated an extensive debate on the 'logic of appropriateness' in both private and public spheres, drawing attention to the ways in which women are 'doing gender' in parliament and other political institutions:

- Dress like a parliamentarian but don't overdo it;
- In doing your work be careful not to step on the toes of men who represent counties in your district or they will think that you want to unseat them;
- Reading newspapers is a must for women MPs, including the sports page so that you can fit in any conversation (Tamale 1999: p. 108)

These informal rules and norms are not available as written documents, but are based on word of mouth, and are well known and practised by some female parliamentarians. Although the norms came up in the workshop, one might argue that conservative ideas propagated by men were internalised by some women, who were prepared to engage in a 'masculine bargain' and capitulate to the gendered norms as part of their daily political life. Tamale's observations are in line with theoretical and empirical findings from other studies in the region (see Bauer and Britton 2006; Bauer 2012; Fitzgerald *forthcoming*; Geiger 1997; Geisler 2004; Goetz and Hassim

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<sup>6</sup>The Forum for Women in Democracy (FOWODE) is a non-partisan Women's Organization in Uganda, which grew out of the women's caucus of the 1994-1995 Constituent Assembly (CA). FOWODE promotes Gender equality in all areas of decision-making through advocacy, training, research and publications.

2003; Meena 2003), implying that political institutions embrace informal rules, norms and cultures which consistently involve processes of characterising and constructing gender. Culture embraces practices that reward traditional forms of masculinity and denigrate traditional forms of femininity. While this does not suggest that women in such an environment are compelled to behave like men, it rather suggests that their presence in the male arena sheds light on its gendered nature and uncovers its masculine characteristics. It actually provides evidence of the pressure that exists for women both to conform to dominant forms of political masculinity, and attempt to maintain an appropriate level of femininity. This evidence highlights that women have been allowed to enter politics, but political institutions which traditionally constitute male space are not yet adjusted to accept them.

Another angle in this ‘doing gender’ debate shows that political institutions institutionalise ideas about policies that have gendered implications. As institutions they are able to pass ‘ideals forward from one generation to another’ (Lovenduski 2005: p. 59). That is to say, institutions may be shaped by the characteristics of men and women who establish them alongside legacies of old culture and practice. For example, in a second reading of a bill to reinforce protection for survivors of sexual gender-based violence and exploitation in Uganda, Tamale (1999) observes gendered resistance from the male MPs who were contributing to the debates. One of the male MPs, with support from his colleagues, declared as follows:

The Ministry of Women in Development, sir, should make programmes to defend African culture. We would like to see our Ugandan women beautiful and attractive in the context of Africa ... not try to imitate the cultures outside Africa. To be admired by who? ... The Ministry should come out with a fashion of dressing, hair treating, finger treating, lips treating these other things which make us look at our women should be a policy for [the] good of Ugandan man [laughter]. (Hon. Turyahabwe, in Tamale 1999: p. 124)

The comment illustrates that the Ugandan parliament is ‘institutionally sexist’ and gendered (Lovenduski 2005: p. 58) in that there is a preference for masculine behaviour and resistance to feminist argument. Gender is present in the ways in which members of parliament reflect their belief, culture and practices. Culture is

used as a tool for men's control and exploitation of women and for safeguarding male power structures. Indeed, in this case, Tamale (1999: p. 124) asserts that the chairman of the National Resistance Council (NRC)<sup>7</sup> condoned the sexist and offensive remarks. Since the discussion took place during the reading of a bill to reinforce protection of victims of rape, sexual abuse, and exploitation, it is likely that there was reluctance on the part of the chairman of NRC fully to utilise his powers, as with judicial interpretations which seemingly promote gender norms that fail to appreciate women's rights compared to those of others. The case not only indicates that a set of preferences and old rules are built into the institution's rules and procedures for reasons of stability, but also that gender norms and legacies may undermine initiatives to advance gender equality. Furthermore, the case suggests that the parliament is incapable of comprehending that its norms prescribe and proscribe 'acceptable' masculine and feminine forms of behaviour and values for men and women within the institution (Mackay 2011; Chappell and Waylen 2013).

There are also visible distinctions promoted between women and men as gendered ideas interact with past legacies. Gender becomes an obstacle in two ways. First, women are seen as new players in the political game, because traditionally women's place has been in the private, not the public, sphere. Second, there is a fear that policies proposed to advance gender equality might advance women's goals to a level that disadvantages male politicians. Thus male leaders choose to build alliances among their own sex. It is then true that hegemonic masculinity is consistently and continually recreated in beliefs, attitudes and expectations (Bird 1996), resulting in the construction and reinforcement of what is distinctively masculine and feminine, and constraining change in the gender order (i.e. social and cultural constructions of gender identities). The relations that result are regarded as a 'homosociality/homosociability' as they build trust on the back of same-sex, non-sexual attraction held by men (or women) for members of their own sex (p. 121). As in Western societies, political trust in Africa is primarily built on the same sex – that is, men to

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<sup>7</sup> The NRC was an interim national parliament, which had the chairman and not the parliamentary Speaker

men. There is evidence that most African leaders appoint their close allies to sensitive posts or to their inner circles of decision making (see, for example, Bacchi 2011; Charrad 2011; Cranenburgh 2008; Goetz 2010; Van de Walle 2002). Leadership dominated by men and masculinity revolves around the concept of manliness, and therefore more men are employed and benefit from resources and power compared to women.

Gender theories are applicable to African societies because the division of labour in Africa, as in Western societies, has always been based on sex, which is a major principle of gender theory in explaining the overall subjugation of women. In sub-Saharan Africa, cultural socialisation orients girls towards feminine, mothering and wifely roles, while boys are oriented towards masculine qualities that include strength, power, control and participation in the political sphere. These stereotyped expectations of the sexes are endorsed by men and internalised and accepted by women, thus perpetuating gender inequalities in society (Geiger 1997; Geisler 2004; Tamale 1999; Tripp 2000). Adult role socialisation in the wider sense will be reflected in the differences between women and men, feminine and masculine, in political representation. Men control power relations, resources and rules of the game for candidate selection.

The evidence presented in this section made clear the interface between institutional environment, rules-in-use, legacies and gender. It underlined the sophistication of gendering in political institutions and drew attention to the possibilities of institutional resistance and reassertion of conventional gender relations and norms. To further understand the ways in which institutions reflect, reinforce and structure gendered power relations, the next section explores informal institutions and rules-in-use in Africa.

## **Informal institutions in African politics**

The interaction between formal and informal institutions has been debated in sub-Saharan Africa recently. It is an important issue because their interaction has potential to provide solutions to social problems, thereby improving institutional performance, or to contradict formal institutions and cause conflict. Their interaction also concerns fundamental human rights such as citizenship; democratic systems; and political representation of marginalised groups, both men and women. For example, in constitutional terms, women officially have equal citizenship to men in democratic systems. Interference by informal institutions, including patrimonialism and clientelism, constrains the polity's de facto legitimacy and democratic credential of institutions (Mansbridge 1999; Phillips 1995) and affects the quality of representatives. The 'quality of representation' is claimed to be strengthened when the women's groups needing representation have been involved in the participatory selection of policy priorities, decision and action plan development, with their representatives (see Mackay 2008:p. 129; Mansbridge 1999). A variety of arguments have been put forward about this issue. In this section I consider arguments for having informal institutions and rules-in-use, and draw attention to some of the challenges that the informal institutions may cause in addressing the under-representation of women. I will then put forward reasons for the introduction of mechanisms which minimise these informal institutions.

Charrad (2011) has argued that political organisation in the kin-based societies of North Africa is kin-based patriarchy. Arguably, these are modern states, but the kin group and its powerful male members continue to control individual political careers. Because of this, Charrad emphasises that our definition of the kin-based society and patriarchalism should acknowledge that "a combination of male dominance, extension of family symbols to politics, collectively useful marriage alliances, and expectations of reciprocal obligations—operates as part of patrimonial politics" (Charrad 2011: p. 53). She further asserts that this system operates at the level of central and local power. Her insight provides a useful understanding of how patrimonial rulers (who have historically been men) exert power through personal ties, in the absence of written and impersonal rules, which the ruler sees as features

of bureaucracy. She says that actors maintain dominance in power relations by using various strategies such as exclusion, inclusion, or change from exclusion to inclusion (*ibid*, p. 53).

This suggests that there is a strong interaction between formal institutions and particularistic informal institutions: patrimonialism, neopatrimonialism and clientelism (Helmke and Levitsky 2004). The fact that they operate in modern states suggests that the informal institutions have been appropriated, and that men can dominate in decision-making positions. In a country that considers itself a modern democracy, it is unfair for males to dominate (Phillips 1995) and to undermine the presence and voices of women. It also shows that the systems of governance are traditionally masculine, in the sense that they are constructed around officially unrecognised traditional ideas of gender relations (Lovenduski 2005). This means that women's access to and control over resources and power is undermined. Political institutions can reserve seats for women, but decide to fill the seats with men, or decide who the women representatives are to be. The few women elected may be under pressure to comply, behave like men, and deny they are feminist or will promote women's concerns. In some cases, elites have recruited unqualified or loyalist women who are unable to challenge the gender norms and patriarchal structures (see Abou-Zeid 2006; Tamale 1999; Tripp 2000). This deprives voters of proper choice and undermines women's political representation.

Exclusion and inclusion strategies are types of 'competing informal institutions' (Helmke and Levitsky 2004), meaning that they are built on 'give-and-take' requirements; that is, in order to be nominated, candidates must be members of, or approved by, the kin-based societies. These are significant gender issues in power relations which can discourage women from joining politics, and undermine their citizenship rights. The implication is that gender power relations and access to resources remain under male dominance through preservation of traditional cultures and elites, repeated processes of excluding women, and organisational rules and practices. There are different types of particularistic informal institutions which preside over African politics. However, the most common types are



‘patrimonialism’, ‘neopatrimonialism’, ‘bigmanism’ and ‘clientelism’. I describe them in detail below:

**Patrimonialism** is a special case of patriarchal domination in the political system in which the ruler exerts power on the basis of kinship, patron-client relationships and personal allegiance, with few formal rules and regulations. The system has clear chains of command, non-hereditary positions and impersonal rules, but lacks differentiation between office and office-holder, and is usually hidden behind juridical norms and institutions that underpin the illusion of a legal-bureaucratic logic (Bach 2011). Patrimonialism lacks bureaucratic separation of private and state affairs; as such, it treats political administration as a ruler’s “personal affairs and political power as personal property” (Max Weber, in Hyden 2006: p. 95). A key actor carefully selects the people surrounding him or her (see Goetz 2010) based on the potential for honesty, often at the expense of ability. Patrimonialism regimes may exclude the upper and middle classes from power, but maintain a relationship with social groups close to the key actor. Patrimonialism has a tendency to accommodate central patrimonial authority and local patrimonial networks, power control mechanisms termed ‘Big man’. Patrimonialist rule emerges when the state fails to control power relations or the dynamics of elite conflicts within political institutions (Van de Walle 2002; Charrad 2011). The selection of people closely affiliated to the rulers indicates the way the system constructs gender, discriminates in favour of some groups over others, creates a cadre of loyalists unable to challenge gendered norms, and undermines women’s representation agendas.

**Neopatrimonialism** is a new and particular variant of patrimonialism in which the legacy of past decisions and old norms continues to shape new institutions and actors’ behaviour (Bach 2011; Hyden 2006). The key rulers use public resources for personal and party interests or for personal and public interests, without being answerable to anyone (Cranenburgh 2008; Van de Walle 2002). As an informal institution, the neopatrimonialism regime is considered significant for institutional change or stability. It can coexist with formal institutions to fill in gaps or improve performance. Neopatrimonialism operates at central and local levels, implying that it facilitates common integration and temporary stability. However, it can constrain or

enable the adoption and implementation of gender quotas, depending on whether women's political representation is, or is not, a priority or ideology of the ruler's party. This is because the system relies on the legacy of past decisions and norms which historically excluded women from power, access to resources and decision making.

**Bigmanism**, or **Big Man politics**, refers to the leadership style in which one person, usually authoritarian, controls power and decision making (Bach 2011; Chabal and Daloz 1999; Cranenburgh 2008). The Bigmanism system resembles patrimonialism in the sense that it embraces informal rules entrenched in patronage networks. The key rulers maintain dominance in power and oppress parties that challenge their systems, or demand accountability and justice. In bigmanist rule, 'gender' can be used as a means to strengthen the exclusion of women, for example by blocking political access for independent and autonomous women or constraining their participation in decision making (Geisler 2004). The few women who surmount that obstacle may be put under pressure to obey the rules of a 'Big man' or oppose women's agendas for quotas and increased representation. Bigmanism can also display patriarchal dominance in power structures by abolishing women's independent organs of representation, creating special seats and appointing women rather than electing them, thus limiting their ability to gain their own status and independence (Tamale 1999; Aboud-Zeid 2006; Goetz 2010).

**Clientelism** is a special form of patron-client relationship based on the exchange of votes for favours – reciprocal relationships. Nugent (2010: p. 35) argues that clientelism has turned "government policy into symbols of particularistic rather than universalistic interests". This means that the key actors control access to power and resources. Power distribution revolves around closed and trusted allies or political groups, as a reward for electoral support. Reward includes using public resources in the form of contracts, appointments or other benefits. This contravenes formal rules set out in constitutional or electoral law (see Buay 2010; Lynch and Crawford 2011). Clientelism is carried out openly, in contrast to corruption, which is unlawful conduct carried out to secure a benefit for oneself. It includes bribery and abuse of power and information (Mwangi 2008). Corruption exists where there is exploitation

of public resources and poor accountability and enforcement policies (Blundo and Olivier de Sardan 2006; Harrison 2007). Like other informal rules of political life, corruption is hard to investigate and control because of vested interests that interact in the wider institutional context. However, it shapes actors' interests, behaviour and practices (Helmke and Levitsky 2004; Branch and Mampilly 2005).

The definitions and evidence presented in this section have shown that particularistic informal institutions can undermine new institutions and women's political representation. It is the case that a certain level of achievement can be reached when women's political concerns are along the lines of political actors' interests. Furthermore, in the context of patriarchal social relations and informal rules, the importance of receiving the backing from significant political actors cannot be underrated. However, in most cases, the institutions control access to power, resources, policy making and networks. Gendered and elite-maintained institutions preserve the legacy of traditional cultures of masculinity which undermine women's political rights, self-image, and ability to develop personal political capacity or make independent decisions. To further understand the impact of particularistic informal institutions, the next section explores the interaction between gender quotas, institutional environment and rules-in-use.

### **Gender quotas, institutional environment and rules-in-use in African politics**

In the 1990s, great political changes swept sub-Saharan Africa and began to reduce personal rule and clientelist relations. However, the constitutional frameworks that kept powerful presidencies in place, maintained stability and continuity. This implies that the legacies of past decisions, practices and culture continue to influence decisions in the new institutions (North 1990: p. 94). Presidents strengthened their power and dominance by regular changes of constitution, processes and structures (Bach 2011 Cranenburgh 2008). That is to say, old institutions preserved the cultures and patriarchal traditions of the elite and passed them on to new institutions through

policies and law. This is manifested in actors' practices and electoral irregularities in new political regimes.

The key actors exert unrestricted control over resources, for personal gain rather than the interests of particular groups or the entire nation. This means that power relations and resources are under the control of a certain group of people, usually the key actors or a network of personal loyalists. Above all, priority is given to one's family members, ethnic group, or members from the same home town (Charrad 2011). Some rulers peacefully play off the ambitions of these loyalists, some pay them off, some rotate them in and out of the power system, and some rule by fear and bullying; whilst some in fact trust them (Bach 2011; Cranenburgh 2008; Fitzgerald *forthcoming*; Goetz 2010; Lynch and Crawford 2011; Van de Walle 2002). In such instances formal institutions and formal rules are sidestepped, and actors create informal institutions to maintain power and dominance. It is an unfriendly environment for women to access or engage in politics, given the masculine nature of institutional practice.

One aspect that demonstrates how the legacies of past practices continue to exist can be identified in political cultures. It has been argued that culture interplays with democratic institutions to produce different types of relations between the state and civil society, and constrains women's access to politics (Goetz and Hassim 2003). Embedded in the political culture are a strong patriarchal ideology, identity politics, and the negative legacy of communalism on women's organisation and equality. The traditional perception of women being unfit for politics or the public sphere is enduring. In most cases, however, moments of change such as conflict can result in institutional change that opens up space for women's participation in non-traditional occupations. New and smaller parties can see electoral niches to exploit in the gender equity cause, and women's representation (Goetz and Hassim 2003). However, in weakly institutionalised parties, candidate selection, whether centralised or decentralised, may remain controlled by one or a few actors. They decide whether to nominate women or not, and which type of women to nominate. There could be a charismatic party with an individual leader, committed to gender and women's representation; however its clientelistic networks and patronage politics would

undermine the recruitment of female candidates (Goetz and Hassim 2003; Waylen 2007). And while the patronage system may favour certain groups of women over others, it does not always increase women's numerical representation. Such variations in institutional structures weaken women's ability to influence the adoption of quotas, and shape the outcomes of women's representation.

Another point is that informal institutions and patronage politics interact with electoral design to undermine women's political representation. The design may create reserved seats for women without establishing oversight mechanisms. In the context of a weakly organised party system, informal rules and norms of candidate selection emerge and integrate women into masculine systems. Women internalise masculinity, becoming more accountable to their bosses and being used to work against women's policy concerns. For example, calls to increase women's representation and the enforcement of quotas in Zambia's 1991 elections were opposed by female politicians and activists who themselves wanted to be appointed to those positions (Geisler 2004). In Uganda, at least three of the cases studied by Tripp (2000) show that the Local Councils (LC) Women's Secretary was aggressively against women who challenged male dominant interests. There is evidence that reserved seats or quotas can be used to recruit women whose focus will be much more on their parties' interests, and the actors who nominated them (see Fitzgerald *forthcoming*). It is my argument that this is an exclusion strategy used by actors in different contexts to marginalise women, constrain their access to resources and power, thus depriving women of their rights to be elected or select their representatives.

The idea of informal rules of exclusion and co-opting of loyalists provokes a question as to whether 'Big women' exist? I would argue that there are no 'Big women'; however, the mechanisms by which women access political institutions are an important indicator of gendered informal rules and norms. Women can be patrons, godmothers or political candidates affiliated to particularistic informal institutions. Their presence in those institutions suggests that women have made inroads into the clientelist social relations usually formed by close links to powerful men (Goetz 2010). However, the benefits have a differential impact on women and men, because

the clientelist structures are exclusively controlled by male elites. In most cases, however, women participate because the gendered institutional environment dictates the way of being, the way of relating and the ways of doing politics (see Charrad 2011; Tamale 1999; Willis and El-Battahani 2010).

There are both benefits and shortcomings to women's engagement in an institutional environment with gendered informal rules and norms. Women's engagement in a masculine bargain shows how women and femininity can maximise contribution in a traditionally male-dominated space (Tamale 1999). On the one hand, it symbolises an attempt to challenge the path of patriarchal hegemony in African societies that consider women unfit for politics or create a 'social meaning of ability to rule' (Mansbridge 1999: p. 628). On the other hand, it can sustain the marginalisation of potentially counter-hegemonic female accounts across the continent (Geisler 2004). Women may be used to soften feminist goals or silence activism for gender rights. These practices not only show the dynamics of gender power relations, but illustrate the ways in which quotas policies can be used to extend state patronage and the exclusion of women by a few actors, if the key quota provisions are lacking or are not properly enforced. There is evidence that shows that gender quotas have been used as the 'add-on' mechanism of integrating women into politics by broadening patronage to a new clientele (Goetz 2010: p. 110). The add-on mechanism has resulted in new representative seats, political positions and benefits from public resources. By allowing party elites to control candidate selection and recruit party loyalists, quota measures become gendered and sustain gendered processes, practices and norms in the institution of political recruitment.

The evidence provided in this section has drawn attention to the ways in which gender interacts with informal institutions. It has underlined the impact of institutional environment and legacies, and how actors' interests and strategies are continually shaped by old rules. Generally, there is contestation over rules that constrain women's access to politics, deny women their citizenship rights and discourage them from political participation. The next section analyses in detail how particularistic informal institutions and informal rules-in-use operate in practice in gendered institutions.

## **What explains the variable outcomes and continued patterns of exclusion?**

Gender quotas are considered as an institutional answer which can be constitutionalised and become an external constraint on political parties' candidate selection processes. Quotas determine the rule-set within which parties operate during recruitment. Parties are also bound to present lists that comply with party regulations; otherwise their lists may be rejected. Yet, actors who dislike the gender quotas rules may create and oversee informal rules of candidate selection that conform to their interests. Actors' partial or non-compliance is a primary source of exclusion.

Gender quotas in most African countries have been integrated into political systems with deeply embedded patron-client relations based on familial ties and voter mobilisation. The politics is still male-dominated and characterised by ineffective opposition, and as a consequence the neopatrimonialist and clientelist social networks are also male-dominated. The networks are akin to informal patriarchal organisations in which power transfer is controlled by 'older politicians/actors', rather than by formal rules and regulations (Cranenburgh 2008: p. 953). The gender quotas policies place significant autonomy in the hands of selectors, and a broad choice to electoral authorities. This means that actors' interests, goals and strategies are likely to interfere, manipulating standard operating procedures (SOPs) and shaping the outcomes, suggesting that quota design can be a source of exclusion.

In the context of informal rules and the Bigmanism style of rule, there are underlying problems of systematic discrimination deep-rooted in masculine culture and attitudes. Selectors are able to decide who will represent the party, or not, and who will access resources or not, thus necessitates alliance building with actors for political patronage. Candidates without connections are unlikely to be recruited, suggesting that informal rules and norms are a source of exclusion. However, patronage politics have in most cases reduced women's self-esteem, performance and popular base that give them any real say in decision making (Norris 2004: p. 8). For example, Goetz (2010: p. 114) observes patronage politics in Uganda and argues that the female vice-president is consistently excluded from the decision-making team.

The team is made up of a very ‘tight circle’ of the president’s allies and kin. This not only raises the question of exclusion, but also questions the rules and norms of political recruitment and appointment, and the sectors to which women can be appointed. Despite the big title, the job description seems symbolic; the role is one of support, with limited authority and access to power and resources.

It is true that both men and women appointed to high positions could potentially be persistently undermined by the key authority. However, such exclusion impacts men and women differently, and women are more affected because of systematic and socio-structural and cultural blockades. These include gendered attitudes and the inherent discriminatory effects of masculinist norms in political institutions (Duerst-Lahti and Kelly 1995; Goetz and Hassim 2003; Lovenduski 2005; Mackay 2008; Randall 2010). Exclusion from decision making indicates the manner in which political institutions are gendered, safeguarding the interests of actors and allowing the continuation of past legacies to shape political actors’ ideas and their ways of valuing women in daily conversations and interactions (Lovenduski 2005; Acker 1992; Duerst-Lahti and Kelly 1995). This means that informal institutions, informal rules and norms are key constraints of gendered political behaviour, defining what actions and decisions are appropriate and whom to associate or build trust with. It also appears that the level of trust and cooperation within the political system is built around same-sex connections (homosociability) and kinship support (Charrad 2011; Deng 2010), suggesting that women’s access to power and resources might be constrained.

The issue of exclusion also draws attention to the ways in which the legacy of past patriarchal relations, which characterised women as unfit for political office, continues to influence decisions and ideas within new institutions (Mackay 2008; North 2005). Specifically, rules of the game in Bigmanism are largely set by the male elite who dominate the political field. This brings to light a dilemma of institutional change. New players (women) are brought into the political game, which is traditionally male space with established rules and norms deep-rooted in masculine values. The new players are expected to fit neatly into the game of politics. In most cases, however, disruption and counteraction occur as new players attempt to amend



the rules to make them more gender-balanced (see Lovenduski 2005: p. 48; Mackay 2004: p. 114). For example, a political party may employ standard recruitment procedures targeting higher calibre individuals with ability to finance campaigns and with long-term political experience. Such practices not only disadvantage women disproportionately, but imply that their entry to political institutions is unwelcome, hence result in contestation and negotiation about rules of representation and gendered power relations. Moreover, it illustrates that standards for recruitment in gendered institutions are not separate and different, but are layered within a continuously ascending hierarchy of rules and organisations (Lowndes 2010), implying that past decisions and legacies can be a significant source of exclusion.

On the issue of institutional legacies, the contestation of rules and norms is an indication that elements of the 'old' patriarchal tradition continue to coexist with elements of the 'new' institutions, enabling and constraining each other. It is then true that the adoption of quota rules to address the under-representation of women cannot guarantee the removal of all structural barriers (Dahlerup 2006). Such an institutional environment discourages women from running for political office or developing their capacity to engage in politics, for fear of actors' prejudices and old norms. Indeed, as Mackay (2009) states:

New formal institutions ... are neither blank slates nor free-floating. Rather they are indelibly marked by past institutional legacies and by initial and ongoing interactions with already existing institutions (formal structures and rules, informal practices, norms, and ideas) within which they are nested ... (p. 22)

This means the legacy of old rules and norms continues to operate against, or in tandem with, new systems, resulting in new gender reforms by political actors being forgotten and sidelined if not documented and enforced. It could further be asserted that the forgetting of gender reforms by political actors takes place during institutional review, when they are presented with different options, involving innovations, past decisions and experience, when choosing a new path. In such instances, political actors may opt for old rules and norms to preserve institutional culture and safeguard the interests of the elite.

Another line of thought concerning exclusion can be identified in the institutional environment and political programmes. Lovenduski (2005) states that institutions are ‘gender regimes’ – they guide the behaviour of both men and women and control access to resources. Studies show that some institutional arrangements have disadvantaged women and benefited men, for example when women have not been involved in internal party organisation, rule-making for candidate selection and planning electoral activities (Fitzgerald *forthcoming*; Tamale 1999). In most cases, political parties plan their activities with small groups of actors or through social interaction. The social interaction is informally organised and usually scheduled after office hours, exactly the time when most women are occupied with family responsibilities. Political parties’ meetings are also characterised by an exaggerated aggressiveness and a patronising attitude towards women who challenge actors’ decisions or gendered norms, thus makes an unfriendly political environment for women and limited access to resources and information.

However, not all research shows that informal institutions and rules flourish in African politics. Some evidence suggests that women’s movements have devised strategies and managed sustained mobilisations demanding that parties use gender-sensitive rules and standards for candidate recruitment (Bauer 2012; Goetz and Hassim 2003; UNIFEM 2009). There is evidence that shows how women in otherwise marginal positions have united ‘as a group’ to form women elites beyond the range of state patronage, politics and corruption, demanding accountability and the reform of institutional rules, and practices (Geiger 1997; Tripp 2000; Meena 2003; Geisler 2004). Some feminists in the women’s movement protect their autonomous status, and resist patronage or attempts by the state to co-opt them (Goetz 2010).

The evidence provided in this section suggests that an understanding of variable outcomes and continued patterns of exclusion in the adoption and implementation of quotas can be achieved through a gender analysis of the institutional environment, that include political actors, rules-in-use, norms and legacies. These factors interact with gender quotas to constrain women’s access to political institutions. The analysis

of these factors has also provided useful concepts by which to explain the gendered dynamics of political institutions.

## **Conclusion**

Chapter three has introduced and explored in detail key concepts about formal and informal institutions, rules-in-use and gendered institutions, to inform my research. I have argued that clarity on institutional environment, legacy, rules-in-use and their gendered dimension is central to explaining the variable patterns of exclusion in institutions of political recruitment. I highlighted the gendered dynamics of political institutions, and pointed to the ways in which institutions ‘do gender’ in the daily culture, and by so doing, protect traditional cultures and elites. Protection operates through long-term policy and practices. The chapter presented evidence of informal rules and norms interacting with formal rules, and the role of institutional actors and processes in underpinning and reproducing gender discrimination. The chapter stressed that legacy, institutional design, environment and actors matter because gender quotas and women’s representation remain shaped by these factors, as well as old rules and gendered norms. These factors are critically important to explain the under-representation of women in feminist political science, which is concerned not only with exploring how institutions reproduce gendered power relations and contradictory outcomes of gender quotas, but also with how institutions can be challenged and reformed. The themes are explored in more depth, in my empirical work in chapters five, six, seven and eight by tracing the adoption and implementation processes of gender quotas and female candidate recruitment.

Before tracing and employing a gender and institutional approach to assess and explain the adoption and implementation of gender quotas in South Sudan’s first post-conflict elections, the methodology of the research needs clarification. In the next chapter, I present the methodological issues involved in the study of gender quotas. I describe tools, approaches and the process of data collection, and then highlight challenges encountered during fieldwork.

## Chapter Four: Methods and Research Design

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This chapter presents the methodological issues involved in researching the complex phenomenon of gender quotas adoption and implementation processes, and rules-in-use in South Sudan's first post-conflict elections. Recent evidence suggests that new approaches, conceptual tools and methods are required in order to explore and understand the gendered dynamics of institutions of political recruitment (Krook and Mackay 2011; Lovenduski 2005; Mackay 2004). Since there is no distinct feminist methodology or "simple and single feminist perspective within political science" (Randall 2002: p. 109; Krook and Childs 2010; Krook and Mackay 2011), I apply a problem-driven rather than a method-driven approach, employing a broad range of theoretical and methodological frames and combining different types of methods, as well as my own position and field experience, to answer questions about the apparent success of quotas in South Sudan.

The thesis follows a case study design, with in-depth analysis of the adoption and implementation of gender quotas in the run-up to the 2010 elections, using interviewees' experiences in their real-life political context (Yin 1989: p. 13). Aware that not all information needed for the study can be captured by one method, I gathered my research data from three main sources: documentary analysis, interviews and observation. I saw the combination of different methods as perfectly suited to my research needs because it provides a way to capture the contextuality and continuity (Bryman 2008; Devine 2002) required for the research questions. After a preliminary literature review, I realised that South Sudan as a post-conflict country has limited documentation and information about the inception of gender quotas, and women's engagement with the state during the civil war. Thus, findings from this case study are based on an assessment of the available information, which I hope can be used as a point of departure for further investigation.

The aim of this chapter, then, is to explain the research design used to understand the adoption and implementation of gender quotas in South Sudan. In section one, I introduce the research topic, describe how a decision on the topic was reached, and

justify the methodological perspective of the thesis. In section two, I describe the research design, approaches, methods and sources of information used for data collection. I also show how the selected methods and approaches have helped me to meet the objectives of the research on adoption and implementation of gender quotas, gendered power relations and rules-in-use. In the final section, I address ethical considerations, validity, reliability, reflexivity and generalisability of the study. I will argue that the qualitative methods and institutionally-focused approach enhance analysis and provide an effective explanation of gendered power relations and the processes that underpin and obstruct them.

### **Deciding on and selecting the topic**

Although social issues around us can be complex, situational and problematic, deciding on and selecting the study topic depends on realities that attract researchers' interests. My interest in, and decision to study, the politics of gender quotas in South Sudan was based on the social, cultural and environmental context of my previous employment, before enrolment into Ph.D. programme (see chapter one). My interest aligns with most qualitative researchers who acknowledge that people's interpretation of realities have a tendency to be social, cultural, situational and contextual (Stake 2005; Devine 2002; Bryman 2008). The decision as to topic developed over time, after submitting my application for Ph.D. studies. In fact, I did not originally set out to study the politics of women's representation or to write a thesis on the politics of gender quotas. I had always kept away from studying the topic, assuming that it would involve getting into politics, which is theory-heavy, time-consuming, and often regarded as a dirty game, an all-male affair – men's business. Besides, the patronage- and spoils-based politics (Dorman 2006; Cranenburgh 2008) which persevere in African politics had made me think that it would be difficult for an 'outsider within', as described by Hawkesworth (2006: p. 68), to penetrate the SPLM Party system and obtain reliable information. This would particularly be the case when seeking to research the informal rules of the game, which are arguably hard to disentangle (Lowndes 2010).

However, while working in South Sudan, I saw a very different side to women's political representation, a side with many unanswered questions: What are the internal rules for candidate selection? Why does the gap exist between quota policy and practice? How does the decision-making process work in the selection committees? Being part of the process of empowering women politically, and yet being unable to answer some of these questions, I decided that studying the politics of women's representation would be a major contribution to the issue of women in South Sudanese and other post-conflict political contexts. I thought that the experience acquired after working for Tanzania Gender Networking Programme (TGNP), UNIFEM (now UN Women) in South Sudan and other countries in the East and Horn of Africa, as well as my membership in women's movements in Tanzania and South Sudan, could contribute to explaining the under-representation of women in the political arena. My decision is supported by Blaike (2000: p. 114) who argues that "data can be collected from: the context in which activities of interest to the researcher take place; semi-natural settings; artificial settings and the use of social artefact".

As explained in chapter one, the turning point came when I took part in organising the first South Sudanese Women's conference on Common Agendas for the 2010 Elections. The conference was an initiative of UN Women in collaboration with other stakeholders promoting women's political empowerment, as will be elaborated in chapter five. After the conference, I followed up key issues agreed at the conference and supported women's groups in implementing the action plan with a range of activities that included information sharing and dissemination to women elsewhere, in ten other states. Above all, being an employee of UN Women, an international agency which promotes gender equality and the empowerment of women, I had an opportunity to participate in, and promote, gender rights in other post-conflict countries in the region which were crafting new institutions. During that time, I worked with government and non-governmental institutions, political parties, CSOs, faith-based organisation (FBOs), media, international organisations and the donor community to ensure that women's socio-economic and political demands were articulated and addressed in policies and programmes. As a Programme

Specialist for Gender Justice and Governance, my main roles were to design, implement, monitor and evaluate programme activities aimed at promoting socio-economic empowerment, gender justice and democratic governance. A greater part of my work focused on governance and rule of law, creating awareness of gender dimensions of the legal frameworks and other policies through training and capacity building, advocacy and lobbying. Throughout the different processes, I communicated with various actors and networked with local and international organisations at national and international levels.

Over time, I noticed that my daily conversations with office colleagues, fellow practitioners and women, while in South Sudan and even after I had started the Ph.D. process, were punctuated with talk of gender quotas. I decided that this would be the research topic that I should explore. I changed my focus from studying gender budgeting to studying gender quotas and, in particular, the rules-in-use that operate to constrain or enable women's access to political office, which were important topics for my informants.

## **Research design, methods and sources**

While a distinct shared feminist methodology or epistemological position does not exist, as pointed out earlier, my case study has been open to combining qualitative and interpretive methods, but putting an emphasis on the gendered dimensions of political institutions. I recognised that by blending multiple methods and approaches, I would be able to engage more with my political analysis (Flyvbjerg 2006, in Vromen 2010), and answer the big puzzles in gender quotas and rules-in-use. The multi-methods approach is based on comparable assumptions about what legitimately constitutes knowledge and evidence (Devine 2002). Well aware that my research had also initiated questions related to “gender and institutional change, as well as reasons for positive outcomes in some contexts, but little or no change in others” (Krook and Mackay 2011: p. 8), the presence of women representatives in politics and the difference they make (Lovenduski 2005: p. 145), I decided that my approach would be qualitative, interpretive and institutionally-focused. The approach employs

modern institutional approaches to the study combined with gender theory using the concepts of gendered institutions described in chapter three and different research methods and briefings with institutional actors. The institutional actors in this study are key people who influenced or were involved in the promotion of gender quotas policy or participated in the elections as candidates as will be shown later in this chapter. The approach was relevant to my research needs for various reasons:

Firstly, studying the politics of gender quotas, and their adoption and implementation processes, requires a detailed and complete account of the institutional environment that frames the choices and strategies of political actors operating within it, as argued by Lovenduski (2011). This includes political actors' interests, strategies and motivation on adopting quotas policy. Implementation requires an understanding of internally and externally generated change and the gendered dynamics of political institutions and norms in a study area, a fact that has been asserted by other feminist scholars (Krook 2009; Krook and Mackay 2011; Mackay 2008; Randall 2010).

Secondly, the research design I chose required triangulation and reflexivity methods to improve validity and credibility of the information collected from the interviewees (Blaikie 2000; Henry 1990). Thirdly, the case study identifies the key actors, legacies and rules-in-use, gendered dynamics and female candidates' experiences, which account for the relative success of the 25 per cent quota policy adoption and implementation. Experience from elsewhere shows that understanding women's perceptions, meanings and experiences of electoral process and power relations can be captured well through in-depth interviews and in group discussions (Child and Krook 2008; Mackay 2004). Lastly, in institutional analysis, the research questions require a framework of analysis that captures more than just sex/gender as a category, rather considering gender as a set of gendered power relations underpinned by ideologies which create opportunities, systems of rewards and resources (Duerst-Lahti and Kelly 1995).

Given that context, I was convinced that this approach is suitable for the objectives of the case study, which were:



- a) to tell the detailed story of the adoption and implementation of gender quotas in the first elections;
- b) to identify the key actors, institutional processes, and exogenous and endogenous factors which contributed to the adoption and implementation of quotas;
- c) to understand the role of formal and informal institutions in the case study, including the rules-in-use, and the gendered dynamics of institutions of political recruitment; and
- d) to problematise the alleged success of quotas and future prospects for women by examining the formal and informal institutions, their design, and the enabling and constraining legacies.

Indeed, the approach has enabled me to explain the apparent success of gender quotas in South Sudan. It has captured women's voices, experiences of the 2010 elections and the political context, which are variables that offer 'thick description' of South Sudanese political and institutional settings (Hammersley 2004: pp. 1124–25). The approach has enabled me to provide a new empirical in-depth case study to add to the comparative literature on women and politics and on gender quotas, contributing to the growing regional literature on post-conflict settings; and to provide evidence underpinning the significance and value of informal rules. For example, women's stories have revealed how gaps in quota provisions can open up the implementation process to competing interpretations by different actors.

### **Why a case study approach?**

My detailed empirical study is based on intensive fieldwork in South Sudan that took place from July 2010 to July 2011. My study on the adoption and implementation of gender quotas, in the run-up to the 2010 elections, employs a case study approach which facilitates an empirical inquiry (Bryman 2008) for an in-depth examination of the alleged success of quotas. As a qualitative approach, it enabled me to better capture meanings, interactions and specific facts within political institutions. This is

specifically because the adoption and implementation of quotas involved a series of informal rules and gendered norms. I used multiple sources of evidence to understand informal processes and practices, a technique which according to Yin (1989, 2004) works well with the case study approach. However, since a focus on a single-case study inevitably results in a small sample size (n), I increased the number of study locations from one to five and integrated group discussions into the study. I worked on the logic that the greater the number of states I reached and people I interviewed, the more credible it was that my findings would be representative of the situation of women and institutions of political recruitment throughout South Sudan. I found a case study approach most relevant to my research because it is an empirical inquiry that explores a contemporary phenomenon within its real-life context (Yin 1989: p. 13). While my choice finds tune with other case studies (Childs and Krook 2008; Murray 2010; Pierson and Skocpol 2002; Tamale 1999; Tripp 2000; Waylen 2011), I was aware that generalisability of findings from a single-case study to an entire population is tricky because case studies aim to expand and generalise theories, and not to enumerate frequencies (Yin 2004).

However, generalisability is possible, as Yin argues, because case studies make different claims to generalisability. Since causality, process tracing and path dependence are visible at the level of single-case studies, and within-case analysis, and can be used to reflect on the institutional legacies, practices and norms, I decided to use the case study approach. I was convinced that the approach could facilitate the generalisability of my findings in similar post-conflict settings, and benefit other scholars. Additionally, case studies provide thick description, which offers a second-hand experience of being in the field with the researcher. This realisation made me believe that findings from my case study could inspire users of the information to analyse and reflect according to the present context, and apply the information within a different context. I was conscious that a case study approach requires describing and interpreting findings throughout the study period, which is very important in improving credibility (Stake 2005).

Another reason for selecting the approach is that I was aware that political institutions are created differently, with inherent gendered rules-in-use and norms.

As such, to capture the gendered dynamics it was necessary to find a flexible approach that allows the use of gendered frameworks of analysis. As Mackay (2004) has argued, institutional analysis demands examining men as well as women as political actors, and explores the way gender plays out in political institutions. I treated South Sudan as a country representing a unique case for gender quotas, and focused on the real-life set of events and implementation processes from which data is drawn. As a post-conflict country with new institutions, South Sudan returned high proportions of women parliamentarians in the first elections, held in April 2010. I emphasised that factors associated with the apparent success of quotas are of particular interest because they may contain some lessons for similar post-conflict societies and countries in transition to democracy. I realised that institutionalists are concerned about the interaction between institutions and actors, and not only about the impact of institutions upon actors. Since my approach is institutionally-focused, I agreed with Lowndes (2010: p. 71), drawing on theoretical models of how institutions affect actors' behaviour is significant, instead of relying on the "descriptive-inductive method to generate [a] conclusion".

Recognising the role played by institutional environment, past legacies and cultures in influencing how new institutions implement gender quotas (Lovenduski 2011; North 2005), I integrated information from the policy level, institutional actors and observation of micro processes. I decided to use an early phase of my fieldwork to collect some key policy documents from different departments I visited to make appointments for interviews. I also familiarised myself with political institutions and established contacts with interviewees. Whenever possible, I asked to participate in their programmes to explore the implications and meanings of practices and informal rules play in the context of South Sudan.

As claimed by Bryman (2008), I was conscious that the case study approach relies on subjective data, specifically interviews and my own perceptions and interpretations, and could be inclined towards particular history, temporality and institutional configurations (North 2005; Pierson 2004). To minimise this problem, I planned to use triangulation and reflexivity methods to obtain clarity of meaning and

to enhance credibility (Stake 2005; Kelle 1995; Yanow *et al.* 2009, in Vromen 2010: p. 256).

### **Documentary analysis: Investigating the context**

I collected significant documents relating to the adoption and implementation of gender quotas in South Sudan, which included literature and information available online, in libraries and in organisations' reports. This is because documents are an important source of data in qualitative research (Bryman 2008); as such, the accessibility and availability of relevant documentation contributes to successful research. I selected the literature material and key documents based on their significance to the adoption and implementation of gender quota policy. The documents enhanced my understanding of the political institutions, context and research questions, which allowed for the flexibility of alternative inquiry methods during fieldwork. These documents included:

1. Policy documents: Comprehensive Peace Agreement (CPA), Interim National Constitutions (INC), Interim Constitution of South Sudan (ICSS), Elections Act (2008) gender provisions, Referendum Act (2008).
2. Official website of the Government: <http://www.goss-online.org/>; <http://necsouthsudan.org/content/past-activities-0>; official website of the SPLM Party: <http://www.splmtoday.com/index.php>.
3. Policy statements/briefs and reports of government departments promoting women's representation; names of key party actors; SPLM Party manifesto; constitutions; minutes of the government and National Elections Commission (NEC); sessions with political parties supporting women's representation.
4. Parliamentary reports and debates on gender quotas; motions raised by women; information from the Ministry of Gender, Child and Social Welfare and the Ministry of Parliamentary Affairs.
5. Reports from women's groups, local and international organisations and agencies promoting women's political rights and gender quotas.

6. Mass media: relevant comments made by the British Broadcasting Corporation (BBC), the Sudan Tribune, South Sudan Radio Juba and UNMIS local FM radio stations.
7. Speeches of the Minister for Gender and other experts promoting women's political representation.
8. Local and international organisations' reports, annual work-plans, conferences, training and capacity-building reports.
9. Academic literature: books with relevant information on gender quotas, women and politics; journals, articles and research papers describing the politics of quotas and institutions of political recruitment.

To determine the factors accounting for the successful adoption and implementation of the South Sudanese quota policy, I explored the legacies of the conflict period, history of the women's movement and engagement with the state. I also examined the institutional environment, past achievements and commitment to women's rights. The history and activities covered the two major periods: pre- and post-CPA, and the run-up to the April 2010 elections. I then used the information in two main ways. Firstly, to provide a thick description of the legacies of the conflict period, gender relations, actors' practices and the process of quotas adoption and implementation. Secondly, to interpret and analyse the findings for accuracy, and reflection (Blaikie 2000) as to what is in the data in comparison with the knowledge existing on gender quotas. The process was particularly useful because documents, as Prior (2004: pp. 75–6) describes, are not simply 'containers of content', but are 'receptacles' of particular norms, meanings, and values which are subject to ongoing contestations and manipulations. For example, the Elections Act (2008) and the South Sudan Code of Practice for the Ethical Recruitment of Candidates in the 2010 Elections are key documents. They both set out eligibility criteria for candidates, and instruct parties to implement a 25 per cent gender quota. However, key provisions such as placement mandate, ranking order and oversight system are lacking, suggesting that the institution opens up the implementation process to competing interpretations by different actors. Recognising these gaps in documentary analysis, I included questions about implementation in the interviews and used the triangulation

method for clarity. I also requested additional information from interviewees, party officials, organisations and newspapers for purposes of substantiation.

### **Semi-structured interviews**

I conducted face-to-face interviews to establish individuals' own perspectives and experience of the gender quota policy, because interviews are conversations which facilitate the construction of knowledge (Bryman 2008; Masson 2002; Vromen 2010). I found the interview method very helpful because I was able to elicit from the interviewees information on their understandings of, and involvement in, women's political representation. Recognising that interviews were insufficient to grasp the gendered dynamics of political institutions, I combined interviews with documentary evidence (Vromen 2010) to reconstruct a narrative of institutional environment that facilitated the adoption and implementation of quotas. In tune with Arksey and Knight (1999: p. 32–42), mixed methods have allowed me to collect information which is currently absent from the documentary history resources. In particular, informal rules of candidate recruitment, actors' interests and expectations are some of the issues that came out during interviews but are inaccessible in written documents (see chapters seven and eight).

Before starting any interview session, I introduced myself and then explained the research objectives and methodological procedures. I found this step very important in reducing the chances of being denied permission to conduct the interviews. I told my interviewees that I was collecting the information for academic purposes only, and that their participation would contribute to the knowledge base of the gender quota policy. I then discussed confidentiality, while informing my interviewees of their right to refuse to answer some questions (see the informed consent in Appendix II), and made sure that they were aware that I would not ask questions about their private data. All interviewees gave verbal consent to participate and to be digitally recorded, and approved the use of their identities. None of them showed concern at being identified because they were happy to be associated with the research and contribute to the generation of knowledge. I realised that some were happy to share

their real political life experiences, stating that findings would be published to inform political institutions and practitioners as to how to enhance women's access to politics.

I took an average of 60 minutes for each interview. I had designed a semi-structured interview guide with an expectation that I would be able to build in unstructured opportunities for interviewees to tell their stories or raise other burning issues. I was mindful that to do this was to deviate from the interview schedule, but women's stories in casual conversation and interview remain a suitable medium, as argued by Ackerley *et al.* (2006, in Vromen 2010), for exploring political parties' behaviour, practices and gendered norms. Specifically, in a complex political system and post-conflict environment like South Sudan, some institutional structures, rules and systems are not comprehensively documented.

Consequently, in the formality of interaction, I asked my interviews to tell me their histories and experience of women's movements, gender relations during war, gender quotas and why they decided to run in the 2010 elections. I was conscious that rich first-hand accounts of women's experiences and achievements might go unnoticed in the absence of qualitative in-depth interviews (see Child and Krook 2008; Mackay 2004; Vromen 2010). More importantly, interviews encouraged women to engage more meaningfully in the discussion about quotas, struggles for liberation and elections. I recognised that women felt free to share their stories with me, contrary to what most of the media institutions were reporting. I learnt that this was so, not because I was a woman like them, but because women had found a space to express their innermost thoughts on the issues, including political institutions. Experience from several studies such as by Abou-Zeid (2006), Tripp (2000) and Bauer (2012) had shown that women's communication and participation remain constrained in the context of strong patriarchal relations and norms, witness the following quote:

My own clan used to say that women are not supposed to shout and talk like men. We should sit home and wait for the men to provide for our needs ... 25 per cent quota has given women freedom to participate in politics.<sup>8</sup>

Integration of stories into the interviews not only helped me to appreciate women's real experiences but also their understanding as political actors and their perceptions of gender quotas. Through probing and asking leading questions, I captured a fairer representation of interviewees' perspectives on the quota policy and outcomes, power relations, informal rules and norms (see chapters six and seven). I recognised that semi-structured interviews, with built-in stories, can provide a thick description of the institutional environment, and actors' interests, which are key elements to improve interpretation (Shaw *et al.* 1998; Davies and Dart 2005). At the end of each session, I reviewed the digitally recorded interview with the interviewee for accuracy, and requested descriptive and interpretive information (if available). I also wrote down unrecorded interviews and informal discussion immediately after the interviews. Before reporting direct quotes, I checked with respondents to make sure that they were happy. I took their addresses, and emailed or phoned when I needed clarification.

In total, I interviewed 30 interviewees and held informal discussions with 20 people. In most cases, the group discussions generated information that confirmed what had been captured in the interviews. With further discussions and interaction, I noted that the information was repeating, in the sense that no new ideas about institutional practices were generated. I knew that I had reached what Glaser and Strauss (1967) call 'data saturation point'. I decided not to interview more people, but sought supplementary information from civil servants, CSOs, and experts in media and international development. This group was very useful for substantiating facts about the gender quota policy.<sup>9</sup>

I would agree with Child and Krook (2008: p. 116) and Mackay (2004: p. 107, 2008: p. 131) that institutional actors, or rather 'critical actors' can influence policy

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<sup>8</sup> Research interview 4 with Candidate, 12 October 2010.

<sup>9</sup> Research Discussion 1 with group, 30 April 2011.



adoption. The critical actors can be categorised into three major groups; namely, initiators (feminist champions both male and female, within or outside government institutions), allies or gatekeepers (key supporters of feminism or activists at critical junctures) and norm reactionaries or extremists. However, I decided to categorise my critical actors into two major groups, labelling them ‘key actors’ and ‘key players’. The idea was to broaden the concept to include players with different roles in this study including opinion makers, traditional leaders and female candidates who might not necessarily be feminist activists or members of the women’s movement.

Accordingly, my key actors were from the political elite, as well as party selectors, policy makers and NEC authorities. These actors directly participated in the agenda setting, negotiation, adoption and implementation of gender quotas in the context of both the legal framework and the Elections Act (2008)<sup>10</sup>. I realised that involving them would benefit this study because of their rich knowledge of the context, and those factors that influenced the adoption and implementation of gender quota policy. I learnt that some of them engineered quotas from their inception and have remained supportive of implementation in the legal framework and the Elections Act. I was particularly intrigued to explore strategies used to influence the acceptance of unpopular decisions – gender quotas – in the context of strong patriarchal social relations. More importantly, I was aware that gender quotas as an institution can constrain political behaviour. As a consequence of key actors’ interests, strategies and roles in candidate selection have often been influenced by the quotas policy.

The key players are people who were involved in the promotion of gender quotas policy or who participated in the elections as candidates. They include female candidates, gender machineries, the media, academia, women’s organisations and their allies from international agencies, and regional and international actors such as the United Nations and the African Union. Female candidates are players in the game

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<sup>10</sup> Note that: the South Sudan Electoral Law is known as ‘The National Elections Act (2008)’. In this thesis it is cited as ‘Elections Act (2008)’.

of politics, which made them significant for this study in terms of explaining the institutional environment, selection procedures and the little secrets of ‘unknown rules’ and norms. The Ministry of Gender, women’s organisations and international organisations are key players because they facilitated dialogues about women’s access to politics, pressurising the government to comply and to domesticate women’s political rights. The institutions provided technical and financial support, created space for women’s involvement in the crafting of new constitutions and elections law, and sharpened the skills of female candidates for the April 2010 elections. The organisations supported the government to mainstream gender in the electoral process, shared information and facilitated dialogue with political institutions to recruit women. Recognising that media, academics and members of research institutions had played a key role in awareness-raising and dissemination of information about gender quotas, I approached them to comment on the quota policy implementation, and future prospects.

After defining my interviewees, I selected the number of people to interview (sample size) based on their specific roles, keenness to provide appropriate and relevant information, seat occupied in parliament, resources, time and availability. As stated earlier, the list of 30 interviewees summarised in Table 4.1 included five ‘key actors’ – the NEC official, the SPLM Party leader and party selectors – and ‘key players’ consisting of ten women parliamentarians elected through reserved quota seats, geographical seats and party lists; seven leaders from women’s groups, feminist organisations, women’s caucuses and international organisations; three researchers or academics; media organisations; two key informants from local government and religious organisations; two members of staff from the Ministry of Gender, Children and Social Welfare at national and state levels, and one member of staff from the Ministry of Parliamentary Affairs.

**Table 4.1: List of Interviews and their Positions**

<b>Date</b>	<b>Name of Respondent</b>	<b>Position</b>
15/08/2010 & 12/10/2010	Respondent candidate 1	MP- Women's list
27/ 12/2010 & 23/10/2010	Respondent candidate 2	MP- Women's list
30/04/2011	Respondent candidate 3	MP- Women's list
12/10/2010	Respondent candidate 4	MP-Women's list
12/10/2010 & 05/05/2010	Respondent candidate 5	MP- Women's list Member of the ICSS drafting committee
10/06/2011	Respondent candidate 17	MP- Women's list Jonglei State Legislative Assembly
08/10/2010	Respondent candidate 6	MP- Geographical seat
08/11/2010	Respondent candidate 7	MP- Geographical seat
23/10/2010	Respondent candidate 8	MP- Geographical seat
10/06/2011	Respondent candidate 19	MP- Party list WES State Legislative Assembly
10/11/2010	Respondent- key player 13	South Sudan Women Lawyers Association and member of the ICSS drafting committee
15/10 & 30/10/2010	Respondent – key player 15	UN Women South Sudan
15/06 & 29/08/2011	Respondent – key player 20	UN Women South Sudan
29/10/ 2010	Respondent – key player 16	Norwegian People's Aid (NPA), South Sudan
07/06/2011	Respondent – key player 21	The International Republican Institute (IRI)
20/11/2010	Respondent – key player 22	South Sudan Women Association (SSWA)
07/06/2011	Respondent – key player 23	South Sudan Women Empowerment Network (SSWEN)
15/12/2010	Respondent – key player 24	Upper Nile State Women's Association (UNWA)
19/10/2010	Respondent – key player 12	ROSS- Ministry Gender Child and Social Welfare

<b>Date</b>	<b>Name of Respondent</b>	<b>Position</b>
07/06/2011	Respondent – key player 28	Upper Nile State Ministry of Gender Child and Social Welfare
27/12/2010	Respondent – key player 29	Local government leader (Paramount Chief), Western Equatoria State
24/10/2010	Respondent – key player 14	Religious leader – Juba Christian Centre, Central Equatoria State
25/11/2010	Key Actor 11	Ministry of Parliamentary Affairs. Member of the CPA, INC, ICSS and elections Act (2008) drafting committees
07/06/2011 10/11/2010	Key Actor 18	NEC Official- South Sudan
20/12/2010	Key Actor 25	SPLM Party –Member of the Electoral College, Western Equatoria State
18/10/2010	Key Actor 26	SPLM Party – Member of the Electoral College, Eastern Equatoria State
30/04/2011	Key Actor 27	Member of the ICSS drafting committee
30/04/2011	Respondent 9	Member of academia, Juba University
26/01/2012	Respondent 10	Feminist activist and researcher
19/10/2010	Respondent 30	South Sudan Radio Juba
30/04/2011	Research discussion 1 with group	Commentators - Juba University, South Sudan National Legislative Assembly and NGOs
01/10 - 30/11/2010	Research discussion 2 with groups	Women’s organisations in Western Equatoria State
15/11-10/12/2010	Research discussion 3 with groups	Women’s groups in 3 States - Jonglei, Eastern Equatoria and Upper Nile
05/06/ 2011	Research discussion 4 with groups	Women’s organisations in Juba– SSWA, SSWEN, SSWLA and SSLA
05/04/2011 20/09/2010	Research discussion 5 with groups	Women’s Caucus – South Sudan National Legislative Assembly

Well aware that my research questions demanded accounts of women's experiences, understandings as institutional actors and perceptions of quotas and power relations, I planned to use different methods to collect information from my interviewees. For key actors, I reviewed the relevant information to familiarise myself with their roles, and later conducted interviews and informal discussions. The informal discussions aimed to get further clarification of some issues coming out of the various interviews and group discussions with women, including informal practices and apparent tension in institutions of political recruitment. For key players, I used interviews, informal discussions with groups and observation methods. I participated in meetings, conferences and a rally as an observer to gain an understanding of gender quotas policy promotion, perception, language and implementation.

I conducted a few interviews in local/Juba Arabic and others in the English language, which is one of the official languages of South Sudan. I found the use of English language convenient for this research because it reduced distortion, misinterpretation and avoided the cost of hiring a translator. I was conscious that the use of English could influence the meaning and quality of research outputs, in the sense that interviewees could start to think in English, and transmit their thoughts mainly in English, resulting in skewed meanings. Yet as Bryman (2008: p. 8) argues, language is not the 'key interest' for case studies, because analysis is focused on the interpretations of human experiences and political behaviour, combined with documentary data. I was convinced that the level of English spoken by my interviewees made the use of the language a sufficient vehicle. I understood the meaning of their political lives, by interpreting the opinions and political experiences. Nonetheless, I did not take advantage of this. I crosschecked all the information with two local staff from UN Women and requested that they interpret the meanings of some informal rules and norms. They also assisted to interpret interviews and discussions conducted in local Arabic.<sup>11</sup> I transcribed interviews

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<sup>11</sup> Research interview 20 with key player, 15 June 2011.

verbatim and ensured that all the transcriptions were classified and well maintained for the purpose of this study only. The transcriptions are not available to readers.

## **Observation**

As stated earlier, my study employed observation method to explore actors' behaviour, interactions and practices. I must admit that exploring informal rules and norms was tricky because the rules are not codified. I saw the observation method as perfectly appropriate to my needs because it is a method that allows the researcher to record non-verbal aspects of social interaction (Ackerley *et al.* 2006, in Vromen 2010; Stimson 1986, in Silverman 1997). While in the field, I attended women's meetings, rallies, workshops and other political activities such as debates on a referendum for self-determination. As an observer, I listened, and examined how women's political representation issues were articulated – the language used, the political motivation, and the action plans developed. I noted that women were well informed about gender quotas and their right to participate at all decision-making levels. Key political actors were also making statements that demonstrated commitment to implementing quotas.

While I was mindful that observation method is biased, because it takes for granted the institutional setting under study, I continued to use it to improve my understanding of the institutional actors and practices. For instance, I was certain that there is political will to implement quotas. However, I observed women's groups consistently reminding actors to abide by quota rules. I assumed that a gap existed between policy and practice, yet I could not explain the reasons for actors' partial compliance. I also recognised that I could have observed some practices and misinterpreted or misrepresented the meaning. I planned to repeat interviews with some interviewees, and probed the same questions in different ways on different occasions (see Table 4.1).

## **Sampling unit, locating the interviewees and study sites selection**

I used ‘practical sampling procedures’ (Henry 1990: pp. 9–14), to guide the recruitment of interviewees, because it takes into account time, cost, willingness to share knowledge and ability to provide evidence without hesitation. I also considered the field environment, availability and political context, which are important for interviewees to share their information (Arksey and Knight 1999; Bryman 2008).

My initial selection of study sites and interviewees was made by reviewing parliamentary records and elections reports; using internet search engines such as Google; and exploring the official website of the government of the Republic of South Sudan.<sup>12</sup> Upon arrival in the field, I held briefing interviews with staff of UN Women, directors of gender in the Ministry of Gender, Child and Social Welfare and the Ministry of Parliamentary Affairs. After developing a list of possible respondents, I used the non-probability sampling technique as suggested by Bryman (2008) to identify respondents who were easily accessible and available. I then employed a snowball sample technique to approach interviewees who were recommended by their friends, institutions and women’s organisations. Staff in these institutions provided information about the best (and most awful) scenarios of aspirants seeking candidacy in the run-up to 2010 elections. They also gave tips and names of key people to speak to, adding to a rich sample of respondents with experience in gender quotas and politics in general, and successful candidates. They also guaranteed that the suggested respondents would be available and willing to share their knowledge and experiences of the 2010 elections. My connections with media organisations, women lawyers and religious leaders were through informal networks with women’s organisations. I made appointments with interviewees’ offices or individuals directly, and conducted interviews in places convenient to the interviewees.

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<sup>12</sup> Official website of the Government of the Republic of South Sudan. Available from <<http://www.goss-online.org/>>; <<http://www.goss-online.org/magnoliaPublic/en/Parliament/Members.html>>. Accessed 13 September 2012.

I also used purposive sampling technique to identify and approach key actors knowledgeable about the inclusion of gender quotas in the CPA, legal frameworks and the Elections Act (2008). Interviews with this group were rather difficult to secure because of their busy schedules. Timing of the interviews coincided with preparations for the referendum on autonomy. With further follow-up and a snowball technique informed by staff in their ministries and fellow party members, I rescheduled and conducted interviews. This sampling method is economical and appropriate for an in-depth study, but it is by no means free of biases. I might have unknowingly approached certain kinds of interviewees and avoided others, or selected female candidates whose characteristics and experiences diverge in some ways from others. To minimise the biases, I reflected upon my position in the field, my relationship with women's groups and the impact on the design and conduct of the research in this chapter (see also chapter one).

My case study primarily focused on Juba, in Central Equatoria State. It is the current capital of the Republic of South Sudan with comparatively good infrastructural services and socio-economic background. Juba was an important source of secondary data for the case study, because established government institutions, the national parliament, political parties and most organisations promoting women's political representation are present.<sup>13</sup> The institutions supplied relevant documents and reports, elections observations and monitoring reports, parliamentary reports and statistics. Most of the interviewees identified for this study were based in Juba. These were important factors to expedite information collection, but were likely to introduce bias inadvertently in the research by virtue of the fact that information was gathered from certain people or documents only. I was equally aware that being in the capital city would limit data collection from grassroots party selectors. Thus, I planned to conduct additional work in four other state capitals to reduce the bias on the research outcomes: Yambio (Western Equatoria), Torit

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<sup>13</sup> Key indicators and information about South Sudan: Available from <http://siteresources.worldbank.org/INTSUDAN/Resources/Key-Indicators-SS.pdf>. Accessed 15 August 2012.



(Eastern Equatoria), Bor (Jonglei) and Malakal (Upper Nile). In each area, I consulted at least two parliamentarians and two women's groups. However, I was constrained by poor infrastructure, documentation and resources. This has a potential impact upon the research outcomes in terms of insufficient evidence of informal practices that undermined the implementation of gender quotas.

Having explained the sample site selection and the sampling and selection of interviewees, the next sections provide detailed information on how I prepared for the field work and conducted the case study.

## **Field process**

My fieldwork preparation started by attending comprehensive courses on data collection, research design, qualitative research methods, and undergoing security training. The courses included the principles of confidentiality and ethical issues which enabled me to manage research and safety while in the field. I requested an introductory letter from the school to facilitate the case study. The letter was approved and signed by the School of Social and Political Science, University of Edinburgh, and was used to communicate with the networks of scholars and researchers in South Sudan about the research objectives. The fieldwork started in July 2010 and finished in July 2011. Since the country was preparing for the January 2011 Referendum, I did not make appointments by regular post or email, to avoid delays or limit access. Instead, I approached most of the interviewees in person or by making appointments through their offices direct. As discussed in the preceding section, I made flexible appointments according to interviewees' schedules and availability, and made follow-ups by telephone or email at least two or three days before the interview day.

## **Tools of data collection: Topic guide**

While preparing for data collection, I noted that the use of pre-existing instruments is widely recommended. However, there is no standard research on gender quotas or political institutions. Feminist researchers continue to use different methods and tools for data collection (see, for example, Child and Krook 2008; Dahlerup 2006; Krook 2007, 2009; Gelb and Palley 2009). My consultations based on several instruments or questionnaires used in South Sudan and elsewhere provided inadequate information for use in my research.<sup>14</sup> However, I adopted several variables such as gender, attitudes towards and perceptions of quota women, and individual actors' prejudices, and used this to design a topic guide. I discussed my questions with my supervisors, and then shared them with the doctoral peer group at the Social Policy Department, University of Edinburgh. Their suggestions and ideas enriched my questions and study objectives. The topic guide's ethical and safety content was approved by the School of Social and Political Science, University of Edinburgh in June 2010.<sup>15</sup> I arrived in the field, interviewed the first three interviewees, and then adjusted the questions to avoid repetition. The final version had 17 questions organised in the following sequence: general question (x1); questions on gender quotas (x5); experience of women in politics and power relations (x7); differences between women elected through quotas and others (x1); impact of gender quota (x1); documents with more information (x1) and closing question (x1) (see Appendix II).

The data collection had one phase: actual fieldwork. In line with Blaikie (2000), I did not undertake a familiarisation visit because I was acquainted with the study topic and the context of South Sudan (see chapter one). With two key players from the women's caucus and UN Women, I only emailed and conducted telephone interviews.<sup>16</sup> During the fieldwork period, I secured a placement at the offices of UN

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<sup>14</sup> South Sudan Household Survey, 2006; South Sudan Household baseline survey (to be published); UNFPA's women reproductive Health in Liberia, 2007.

<sup>15</sup> The Topic guide was pre-tested in Juba (Central Equatoria State) in April 2010. Based on the results, modifications were made. See a copy of the topic guide in Appendix 1.

<sup>16</sup> Telephone interview with candidate 5, 05.05.2010; Telephone interview with key player 15, 06 May 2010.

Women in Juba, South Sudan. The placement facilitated access to key events, and meetings with actors and experts on quotas policy. I was able to travel to five states as stated earlier, and conduct interviews and informal discussions with state actors, party selectors and key players in the area of gender quotas. Through interaction and networking, I secured more appointments with local government leaders, women's groups, and female parliamentarians and within ministries of gender. I noted that identifying a place for an interview was an important consideration as some respondents, mainly the politicians, had very busy work schedules. Most interviews took place in their offices or outside the parliamentary compounds, during workshops/meetings/conferences, or in public places.

Interview location depended entirely on a respondent's choices and preferences (see Text Box 1). I realised that interviews conducted outside the office environment generated more information, possibly because the environments had a more relaxed atmosphere with fewer interruptions. No-one refused to be interviewed. Interviewees who cancelled our first appointment turned up on the second or third appointment.

**Text Box 1:**

On one occasion, a female member of the committee that drafted the Interim Constitution of South Sudan (ICSS) (2005) was in Juba attending a conference. I approached her, and she agreed to be interviewed. However, because of her busy schedule, she invited me to interview her at the 'hair and beauty salon'. During the interview, two female MPs who had cancelled my appointments because of official trips arrived. They remarked, 'Hahhh... We thought this is only done in the office!! If that's the case, please come and talk to us after you have finished with her'. I interviewed them. Later, I was introduced to a female executive member of the Republic of South Sudan (ROSS), with whom I had an informal discussion, and finally made an appointment to interview her in her office.

As stated earlier, the interviewees were willing to contribute to the knowledge generation because, firstly, they had fresh memories and experiences of what worked and did not work in the April 2010 elections. Secondly, South Sudan was in the process of conducting the referendum; therefore it was reviewing its interim constitution and draft Transitional Constitution. During that time, there was ongoing lobbying by women's organisations and parliamentary caucuses to persuade key government actors to adopt a new 30 per cent quota policy, which meant that women

were using any opportunity to voice their concerns.<sup>17</sup> Thirdly, most interviewees were jovial and willing to provide evidence of how the quota policy has enabled women's access to politics in the context of patriarchal social relations.

### **Reliability, validity and ethical considerations**

I ensured accuracy and reliability of the case study by adhering to the research questions developed in the topic guide. I purposely selected interviewees from the list of all parliamentarians in the South Sudan National Legislative Assembly (SSNLA), and consulted the two Ministries of Gender and Parliamentary Affairs for confirmation. I selected other interviewees based on their extensive knowledge, experience and roles in the adoption and implementation of gender quota policy. I also sought supplementary information about gender quotas implementation from local government actors, traditional leaders, women's organisations and from academia. I followed the sequence in the topic guide to ensure reliability in the reported process of adoption and implementation (see chapters six, seven and eight; Appendix II). As stated earlier, the topic guide had a general question at the beginning as a courtesy and to build a good connection with interviewees. Subsequently, I asked fundamental questions regarding the adoption and implementation of gender quotas, the recruitment and decision-making process, and the perception of women elected through quotas as compared to women elected through geographical seats and party lists. Recognising that my personal involvement in the construction of knowledge can introduce bias, I have reflected upon my role in the next section.

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<sup>17</sup> Research discussion 5 with group, 05 April 2011.

## Personal reflexivity

My own perspectives, bias, values and opinions related to gender quotas and women's political representation may have influenced the research outcomes. I would be doing an injustice to my interviewees, and those female candidates whose access to political institutions was undermined, if I did not reflect on such bias. I agree with other researchers that bias is present in all areas of research, from sample selection to methodological stance and personal experience (see Tamale 1999; Bryman 2008; Vromen 2010). I discussed in chapter one my field experience and described how it has enabled me to explore and understand the politics of quotas, rules and norms under investigation. The experience has developed my sensitivity in observing aspects of discrimination, informal rules and gendered norms that might otherwise have gone unnoticed. The working environment brought me into contact with many key players (NGOs and individuals) with the necessary knowledge about, and familiarity with, authorities in the context of interviews about political institutions and rules. I learned that there are both female and male sympathisers or 'critical actors' committed to advancing women's representation, as well as resisters. This notion may have influenced the selection of interviewees for this research.

I saw how beliefs about female and male leaders shape candidates' experience of political engagement, interest and thinking. As a woman and gender activist, my perspectives agree with research and theory in the field showing that women's access to politics is constrained by gendered institutions, rules and norms. Political institutions set standards and rules that give privilege to some groups and discriminate against others.

There are also informal networks that embrace patronage politics in recruitment and play down women's credibility. It was clear that I, and other women activists, could be potential candidates but possibly excluded from the elections process by not complying with informal rules and norms. Finding out about informal rules of the game, actors' interests and the ways in which the legacies of patriarchal relations continued to influence decisions in the new institutions, was particularly dispiriting. I do not like political intimidation and labels such as 'tokenism' or 'political leader's babies'. I have heard both men and women informally criticising elected women, and

have seen that communities expect women to achieve more than men, both at home and in political office, to prove their political capacity. I learned through political studies that women are sometimes compelled to comply with men's double standards not because they want to, but because political institutions are regarded as male space. Some women accept and others resist gendered norms and are willing to challenge at any cost (see chapters eight and nine).

I felt unhappy for women whose political rights and access to political institutions were limited by party selectors. I continue to think of female candidates who endured abusive language and resource constraints. Those women who scored a victory in territorial seats, and exposed gendered discrimination, I think of as heroes, whose voices and initiatives need to be promoted. In response to research on the politics of gender quotas, and my experience in the feminist movement, I maintain that political institutions are unpredictable, gendered and hard to reform. Introducing gender quotas without integrating gender equality in institutional structures, ideologies, and key processes, serves to perpetuate discriminatory institutions rather than deconstruct them.

While in the field I learned that language used by activists and academics, and in policy making, has a bearing on political outcomes. Policy makers tend to resist strong feminist language and ideas when drafting policy. Recognising this, I decided not to use any feminist language or show inclination to gender activism, so as to avoid backlash or refusal of interview. I learned that the idea of women being unfit for politics endures, even among key actors, suggesting that policy enactment, without also sensitising both men and women, is insufficient to disrupt patriarchal structural relations. Greater awareness to both men and women would help to challenge structural and power inequalities and ideas about decision making, access to resources and power relations.

## Validity

Since ‘gender’ is a socially constructed concept, and ‘gender quotas policy’ is a statement of intent by the government to increase women’s representation, the operationalisation and implementation of quotas varies between countries. Thus, my epistemological position is *interpretivist* (see Bryman 2008), because I am aware about institutional actors and I have sought to explore and understand how institutional actors give meaning to their lives by interpreting their ideas, political experiences, practices and attitudes towards gender quotas policy. My ontological stance in this study is *constructionist* in the sense that gender quota meanings, perceptions, perspectives and value in the political arena are dynamic, vary across space and time, but have a high degree of continuity and stability (March and Olsen 1984; North 1990). Institutional actors are also in a constant state of policy revision (Vromen 2010); they create and recreate policies according to political motivation and interest (see chapters three and five). This agrees with studies showing that new and young institutions are not static because their rules are readjusted and compromised according to the environment (Thelen 2000; Bryman 2008; Goodin 1996). To address the epistemological and ontological issues in my research, I address validity at two levels – data collection methods and interpretation (Henry 1990) – as will be shown in the subsequent sections.

## Data collection methods

While emphasis is put on the research methods chosen in authenticating the information produced (Bryman 2008), I ensured that data collection methods were sufficiently accurate and relevant for generating information. On a number of occasions, interviews were repeated or similar questions asked again in order to confirm what had been gathered from the interviews, conferences or newspapers. As stated earlier, I collected comments and supplementary information from researchers and academics at Juba University, and from informal discussions with actors who were key players supporting the implementation of the gender quota policy. The

mixed methods not only allowed triangulation in the research process, but helped to measure the same understanding of quota policy adoption and implementation from different angles (Kelle 1995), to eliminate information gaps. Validity relied on my ability to synchronise the information and determine which of the different dimensions explained the situation. Through interviews I identified interviewees' own attitudes, perceptions and values. I collected additional voices and facts through observation of the meetings, workshops and discussions, which enabled the reconstruction of women's history currently missing from the documentary resources.

I used the informal discussions and meetings with women's groups, CSOs and experts to interpret my data and interviews. For instance, I asked the interviewees to tell me if there was any difference between quota women and women elected by geographical seats. Most of them said that there were no obvious differences. However, a few admitted the difference, stating that women elected through geographical seats wanted recognition because they competed with male candidates (see chapter nine).<sup>18</sup> I used informal discussions and meetings to understand why interviewees responded in the way that they did, and their perceptions about quotas and informal rules-in-use. Male experts, academia and male legislators confirmed that women elected through geographical seats were more valued because they had competed in open contests against male candidates.<sup>19</sup>

## **Ethical considerations**

My study has raised two key ethical issues pertaining to my research methods and the focus of the study, i.e. informal rules and norms. As explained earlier, information about myself and the topic explored was given to all respondents in advance. This is an important aspect of an ethical approach because it allows a

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<sup>18</sup> Research discussion 2 with groups, 1 October to 30 November 2010.

<sup>19</sup> Research discussion 1 with group, 30 April 2011.



respondent to make an informed decision to participate in the research, as argued by Bryman (2008). I examined the informal rules and norms, seeking to reveal the tension apparent in institutions of political recruitment. These are sensitive issues particularly as they touch upon actors' interests and strategies for candidates' selection. Therefore I respected an individual's freedom of expression and choice of interview location.

As previously explained, during interviews and discussion there really were no issues of anonymity or confidentiality. All interviewees gave permission and advised how to quote their names. However, after analysis, I realised that the interviews had addressed sensitive institutional issues, such that it was important to use pseudonyms instead of real names to protect my interviewees. This does not mean that I disrespected the interviewees' choices, but I was concerned that identifying respondents could jeopardise their future political careers. The work could be used against the female parliamentarians or endanger party officials named in the interviews as responsible for political manipulations. All the same, I cannot completely guarantee confidentiality, because some names will still be traceable due to the small size of the constituencies, uniqueness of experience, and the distinctive positions occupied by the respondents in the government and in political institutions.

Concerning my own security, I was aware that conducting research in post-conflict requires high levels of sensitivity and protection. I planned safety procedures before and after beginning the fieldwork. Before going to the field, I ensured the topic guide's ethical and safety content was approved by the School of Social and Political Science, University of Edinburgh. I then reviewed the South Sudan country security reports, briefing materials, and guidance on safety measures. I communicated with different institutions and people by email and telephone. These included the embassy of the Republic of South Sudan, UN Women, friends, researchers, and former work colleagues in the peace keeping mission. Upon arrival in the field, I discussed the security situation and personal safety during a briefing meeting with the agency that offered me a placement. I was advised to register with UN Mission in South Sudan and attend the UN advanced security training for humanitarian operations – Safety Security Approaches for Field Environment

(SSAFE). The five days' training provided a comprehensive understanding of potential risks, anticipated disasters and strategies for withstanding stress without injury. I learned to collaborate, be flexible and sustain broad levels of trust, engagement, and effective communication among all interviewees, staff and the community at large. Such skills enabled me to plan, coordinate and align my project activities with those of the agency which offered me a placement. The training not only guaranteed security, but taught me how to build trust, and save time and resources. It enabled me to maintain a high level of professionalism in handling suspicion, awkward discussions and political conversation by avoiding commenting or taking sides. I also registered with and carried out a radio roll-call check in Juba for security updates and my own safety. I maintained email communication with my supervisor at the School of Social and Political Science, University of Edinburgh, and colleagues at my work placement.

### **Data processing, analysis and interpretation of findings**

I did not recruit research assistants for data collection, because I was familiar with the context and language used by the interviewees. Moreover, my previous fieldwork experience had given me the ability to handle the social and practical elements of interactions. However, this does not mean that I did not need any assistance; rather, there were times when I asked colleagues from UN Women and heads of organisations to assist in interpretation and clarifying information. They also recommended other potential respondents or sources of information that could enrich the data collection process. Meanwhile, I continued to carry out triangulation and repeated contacts to increase internal validity of the responses, and to reduce interviewees' personal bias in the case study. For example, some interviewees said that female candidates running for territorial seats were badly treated. The term 'badly treated' has a different meaning and impact as between women and men. To some, it means gender-based violence such as physical or psychological violence like ridicule or mockery. To others, it means lack of the kind of party support or recognition afforded male candidates or favoured sons and daughters. These are

important distinctions in terms of data analysis and interpretation. I therefore sought supplementary data from observation or through interactions and information sharing with other researchers and practitioners.

Data analysis commenced while I was in the field. I carefully processed my data, analysing and interpreting findings with some flexibility, because interviews took place in different places: workplaces, homes, public and more relaxed places. Transcription and keying of information took about three months (April to June 2011). I reviewed all field notes and recorded verbatim transcripts of conversations taken by hand. I transcribed the information from the interviews after checking the completeness of identification and responses. Then I played back every interview to identify gaps and new themes, and to blend significant information where voices were unclear. I read through each transcribed interview to ensure all the information was analysed, then checked reliability by repeatedly listening to a number of conversations. Noting that there were no prolonged silences, I was convinced that the interviewees understood research questions, and had utilised the space and freedom I gave them to share their experiences. I did not prepare transcripts for informal group discussions and observations; instead I prepared detailed notes and replayed the audio tapes of the groups when I needed to. I analysed data manually using Microsoft word processing software because it provides for the necessary coding and retrieval features (Bryman 2008; Denzin and Lincoln 2003). I summarised and coded key thematic areas such as key actors, and formal and informal rules of gender quotas, and analysed data manually as follows:

I read through each transcript and opened codes according to the key words and ideas. I wrote marginal notes on them and refined the codes to make connections between the different codes. Later, I grouped the codes under different headings for familiarisation with the content of the interviews to get concepts that included representation, informal rules, actors, gaps in quota rules and norms. I analysed all the data and reduced the number of concepts to six themes including gender quotas design, rules-in-use and actors, to simplify the analysis.

Thereafter, I grouped similar themes under the broader themes identified in the research, and allocated the same labels so as to see the emergent trends. Most of

these were about informal rules of candidate selection, informal norms and political manipulations. I summarised different categories into major themes that included key actors, formal and informal rules, legacies, electoral design and factors constraining female aspirants in the run-up to the 2010 elections. As a large volume of data was generated it became hard to find an analytical path as argued by Miles (1979, cited in Bryman 2008); however, I developed key themes in line with my original research objectives, and questions. Finally I analysed and summarised ideas and information about gender quotas adoption and implementation, and factors enabling and constraining women's access to political institutions.

### **Practical difficulties and field dilemmas**

Despite the earlier fieldwork preparations, I encountered limitations. Some key actors and respondents selected for this research had busy work schedules because of the proximity of the January 2011 South Sudan referendum on independence. The tense political climate during the first few months of the study made some of the potential respondents unavailable for interview. There were also political suspicions about foreigners possibly supporting attempts by the political party from Sudan, the National Congress Party (NCP), to manipulate the referendum results. The suspicions did not significantly affect my study because of my past employment, and placement I found at UN Women, but I did not take anything for granted. I presented my introductory letter from the university and research objectives clearly whenever I made appointments. I was keen to develop a detailed understanding of the causes of suspicion by identifying early warning signs, and rehearsed compensatory strategies. I decided to formulate the key issues which had emerged from my own experiences while working with South Sudanese women aspirants, becoming a 'detached observer' of their fears. I remained focused and 'let go' of a suspicious thought if it came.

During interviews, I gave interviewees time to talk about their political experiences and their decisions to run for political office, as well as encouraging them to use specific examples to elaborate informal rules and norms. In some cases,

however, I noted that some interviewees were trying to talk about political discrimination and the ways male contenders opposed women running for mainstream seats in politics. I responded with a question rather than an answer. Where possible, I asked my interviewees to review with me the evidence for and against different experiences and interpretations of informal rules and norms. On different occasions, mostly informally, I joined members of women's caucuses in their gatherings and asked them to interpret the informal rules of the game. I explored the degree to which particular informal norms were widespread and probed to informants in order to more fully understand the actions taken by women to address the informal norms and practices.

Another challenge was the lack of documentation and proper record-keeping of various events and meetings. To fill this gap, I interviewed experts in research, academia and UN agencies, and members of parliament at the government of National Unity (GoNU) who were members of the constitution-drafting committees – the ICSS (2005) and the TCSS (2011), as well as some civil servants. I controlled other limitations such as the quality of the topic guide, and the threat to external validity and interpretation, by taking precautions during data collection and processing.

## **Conclusion**

In this chapter I have presented the methodological issues involved in understanding the complex phenomenon of gender quotas and rules-in-use in South Sudanese post-conflict elections. I have also showed the methods and strategies that helped me to explore the adoption and implementation of gender quotas, rules-in-use and informal norms predominant in South Sudan. I elaborated how a range of theoretical and methodological frames, mixed methods, own position and previous field experience have helped to answer the question about success of quotas in South Sudan. I underlined reasons for choosing a case study approach, and emphasised that it allows an in-depth analysis of the historical context of gender quota adoption and implementation. I explained how I collected information about the institutional

environment, actors' interests, rules-in-use and female candidates' real political experiences through multiple methods. Thus, I argued that the mixed methods and case study approach have provided the contextuality and continuity required for research questions. I concluded by addressing ethical considerations, reflexivity, validity, reliability and limitations of the study.

The next chapter sets the scene in South Sudan, and provides an historical background in order to understand the gender relations, gender norms and institutional legacies which are central to explaining change and the adoption of gender quotas in the post-conflict reconstruction era.

## Chapter Five: The Road to Gender Quotas in South Sudan

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This chapter sets the scene in South Sudan and highlights the necessary historical background in order to understand and explain gender relations and gender norms, both of which are key legacies to contend with in feminist analysis and institutional change. Emerging from Sudan's long-term civil war, South Sudan's Comprehensive Peace Agreement (CPA 2005) brought with it numerous political opportunities, including the formation of a decentralised state with three levels of government, the resumption of a multi-party democracy and the adoption of gender quotas. Gender quotas are enshrined in the legal framework, the Elections Act (2008) and other policies. South Sudan employed gender quotas in its first elections in April 2010 and returned a high proportion of women parliamentarians (32 per cent).

Notwithstanding the above, it is also true that purported improvements in women's numerical representation are debatable, because the literature continues to show that women's access to politics is constrained. Gender quotas are adopted by new democratic institutions, but their implementation processes still fall short of ensuring compliance with formal rules. It has been reported that political institutions remain organised as 'old boys' clubs' with gendered standards and norms, denying women's access to power and decision making (Faria 2011; Fitzgerald *forthcoming*; *GEM News* 2009). This begs an explanation of two important questions with regard to the apparent success of quotas in South Sudan: What new institutional design, opportunities and exogenous and endogenous factors facilitated women's access to politics and the success of quotas? What past legacies, gender relations and norms influenced institutional change and the adoption of gender quotas? To answer these questions, I provide the historical context of South Sudan in terms of women's engagement with the state in the pre- and post-conflict era, drawing attention to the contemporary diversity of interests and concerns which shaped the new institutions. I argue that understanding historical context is important in providing clarity of institutional environment, legacy and past events. These elements continue to

influence new institutions (Lovenduski 2005; North 2005), and determine their possible outcomes and future implementation.

It is worth mentioning at this juncture that South Sudan became independent from the Sudan in July 2011, when my research had already started. Thus, most of South Sudan's history and post-conflict reconstruction programmes took place while the country was still under the former Sudan. Women's history, their struggle for liberation and new institutional change are also influenced by a history of political marginalisation and patriarchal social relations. At its core, the chapter argues that, during the struggle, women had a double agenda, seeking both national and personal liberation. They persistently questioned gender roles and power relations in the Sudanese People's Liberation Movement/Army (SPLM/A) and in the local government authorities. Challenge to gendered norms characterised the time of struggle and marked the beginning of recognition of women politically. The demand for gender quotas was met, yet some elements of past regime, tradition and culture were carried over to the post-conflict independent state.

This chapter provides information contributing to an understanding of the new institutional design and political opportunities that have enabled women's participation in the crafting of new laws, and their access to political institutions. By exploring the varying nature of gender relations and outcomes during the conflict period, the chapter shows how politics and policies instituted in the post-conflict period are much influenced by the legacies of war, the previous gender regime and women's struggle in general. By exploring the major quotas provisions in the legal framework and the Elections Act (2008), the chapter maps the ways in which institutions underpin, mirror and structure unequal gendered power in the wider society, which according to Krook and Mackay (2011) provide insights into the dynamics of continuity and change – and the means for disrupting them to pursue feminist goals.

There are three main sections. Section one presents the contemporary South Sudan in context, highlighting the impact of war and institution-building processes in the post-conflict reconstruction era. Section two examines the politics of the state in Sudan and South Sudan, before and after independence, to understand the root cause



of civil war and past discrimination which opened a route to women's formal involvement in the political arena. Section three explores in detail the gender relations and gender norms in nationalist movements and in liberation struggles as key legacies contributing to new institutional change. The chapter concludes with an assessment of the electoral processes, highlighting women's activism towards the 2010 elections.

### **South Sudan and the transition to statehood**

The proclamation and recognition of the Republic of South Sudan (ROSS) as an independent sovereign state remain remarkable achievements. These events mark the first time in Africa that a state has been formed through the free will of its population and not through the imposition of colonial borders. It is currently a United Nations member state, a member of the African Union (AU), and a member state of the Intergovernmental Authority on Development (IGAD). In July 2012, South Sudan signed the Geneva Convention. South Sudan emerged from nearly fifty years of armed conflict with its subsistence economy devastated, resulting in severe neglect and poor infrastructural development. The transition to independence and statehood has seemingly been constrained by several political, socio-economic and cultural factors that shape the nature, personality, and advancement of the new country. The country also continues to be shaped by the historical development of its relationship with the central authority in Sudan.<sup>20</sup> Similarly, some CPA provisions, particularly border demarcation, at the time of writing are yet to be finalised. New state-building with respect to both legitimacy and accountability remains a daunting task, for example providing for democratic governance, justice and the inclusion of marginalised groups, including women, at all decision-making levels.

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<sup>20</sup> Sudan refers to the northern part of Sudan before separation and an independent country after separation. Southern Sudan refers to South Sudan after independence. This thesis will use Sudan and South Sudan as two different countries.



**Fig 5.1: South Sudan state boundaries**

The government has developed the Transitional Constitution that commits ROSS to promoting values of human dignity and equal rights for women and men. It has also established a decentralised democratic multi-party system of governance in which power is distributed to state and local governments (as will be shown in Fig. 5.2).

South Sudan consists of ten states, with Juba as the capital city. The country is bordered by Ethiopia to the east, Kenya to the southeast, Uganda to the south, the Democratic Republic of the Congo to the southwest, the Central African Republic to the west, and Sudan to the north.

South Sudan includes the vast swamp region of the Sudd formed by the White Nile, known as Bahr al Jabal. The country is a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities coexist in harmony. The total population was 8.26 million in 2008, but lack of a recent count and the fact that many South Sudanese migrated from their homes in the Sudan at the time of elections and referenda, suggest that this figure could be much higher. The population is very youthful and there are more women than men because of past conflict and war (Fitzgerald 2002; Fitzgerald *forthcoming*), despite the 2009 census indicating the contrary (GOSS 2011).

South Sudan is endowed with natural resources that include oil, water, and timber, unexploited fertile land for cash and food crops, and livestock. Eighty-three per cent of the population is rural with the majority depending on agriculture or animal husbandry as the primary source of livelihood. However, the human development indicator, at 0.379, is among the lowest in the world. Access to basic social services remains a key challenge across the country. According to the World Bank, more than half (51 per cent) of the South Sudanese people live below the poverty line, and 90 per cent of the population earns less than one US dollar a day according to a 2009 estimate (The MDGs Report – see The Republic of Sudan,

Ministry of Welfare & Social Security 2010;<sup>21</sup> World Bank 2011<sup>22</sup>). The average gender parity index is 0.88. Adult literacy rate (15 years and over) is 27 per cent; the male adult literacy rate is 40 per cent and the female adult literacy rate is 16 per cent. Women with no formal education are over four times more likely to be married under the age of 15 (The Survey Report – see GOSS Southern Sudan, Household Health Survey 2006). It is claimed that there are limited social welfare services to address the needs of the poorest and most vulnerable, including poor women and children, internally displaced people and refugees (The MDGs Report – see The Republic of Sudan, Ministry of Welfare & Social Security 2010).

Meanwhile, South Sudanese women continue to undertake multiple gender roles, undermining their effective participation in social, economic and political spheres. Women and girls are also subjected to gender-based violence and harmful traditional practices such as early marriages and early pregnancies, which not only subjugate them, but constrain their efforts to have professional careers. Young girls are particularly affected in some tribes where individuals tend to favour high bride prices over education (see UN Women Annual report 2010–2011).<sup>23</sup> Limited leadership skills, perception about women having low capacity to manage political office, and cultural norms and attitudes, are impediments to women's access to power and resources (Fitzgerald *forthcoming*; *GEM News* 2009).

## **The politics of tribal inclusion and exclusion**

As stated earlier, South Sudan is multi-ethnic, multi-lingual and multi-cultural, committed to principles of ethnic equality and the rule of law. However, the country

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<sup>21</sup> The estimates established a poverty line of 73 SDG per person per month; at current exchange rates (July 2010), this translates into about \$1.04 per person per day. However, this is a deductive estimate lacking a solid evidence base.

<sup>22</sup> The World Bank webpage last updated April 2013. Available from <http://www.worldbank.org/en/country/southsudan/overview>. Accessed 14 October 2013.

<sup>23</sup> Research interview 20 with key player, 15 June 2011; Interview 22 with key player, 20 November 2010; Interview 24 with key player, 15 December 2010.

continues to experience cultural tensions and ethnic violence. The ethnic-based political divisions are the most debated issues amongst intellectuals and political leaders (Branch and Mampilly 2005; Deng 1995; Juba University Interviews 2011).<sup>24</sup> The divisions interact with internal party politics and political behaviour, to shape individual actors' decisions, recruitment strategies, and access to resources and power. This is clarified by Buay (2012), who argues that the new state public realm and political posts reflect the ideology of one-tribe domination exemplified by uneven distribution of government loyalty, power relations, state resources and public jobs. In his article 'The colour of ethnic domination in South Sudan', Buay asserts that nation-building has been characterised by militarist domination, intolerance to opposition parties and the economic monopoly of one tribe.<sup>25</sup> This domination is in turn reflected in appointments, social contracts and power relations in which some groups are more privileged than others. His observations concur with several writers on African politics (see Bach 2011; Cranenburgh 2008; Mwangi 2008; Nugent 2010; Uchendu 1995), suggesting that the new institutions are not separate and discrete, but are nested within a hierarchy of rules, practices and organisations (Lowndes 2010). Some practices are accepted, while others are challenged by marginalised groups, including women (see women's activism in this chapter).

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<sup>24</sup> Research discussion 1 with group, 30 April 2011.

<sup>25</sup> Name reserved in this thesis.

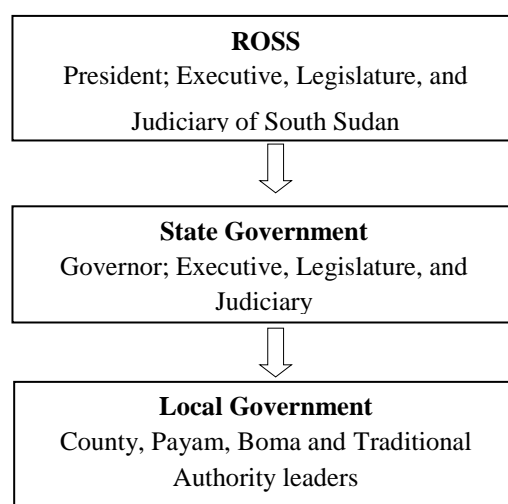
## Gender and new institutional structures

The Republic of South Sudan (ROSS) has three levels of government comprising the National Government of South Sudan; and State and Local Government levels (Fig. 5.2). Each level has its own constitution, but the Transitional Constitution is the supreme law. The states' constitutions and all laws conform to the Transitional Constitution. Each level of government is autonomous, with responsibilities and accountabilities to the citizens of South Sudan. The Transitional Constitution of the Republic of South Sudan (TCSS) has progressive and gender-sensitive provisions. Yet, the institutions charged with its implementation (i.e., the executive branches) demonstrate only partial compliance.

The 25 per cent quota policy is yet to be fully complied with by a wide range of sectors. In almost all the various appointive constitutional commissions such as the Anti-Corruption and Human Rights

Commissions, the 25 per cent quota has not yet been achieved. For the most part, however, the Constitution does provide a significantly progressive legal basis for advancing respect towards, and protection of, women's rights. South Sudan's definition of, and goals towards achieving, gender equality are guided by a vision of human rights which acknowledges and recognises equality between women and men. The principles have emerged from a

**Fig. 5.2 South Sudan power-sharing/  
government levels**



long period of struggle for a democratic society; customs and tradition; and the will of people who respect and promote the rights of all citizens irrespective of gender, race, ethnicity, age or disability (see TCSS 2011).<sup>26</sup>

The Government of South Sudan has established mechanisms for achieving gender equality through the Ministry of Gender, Child and Social Welfare at the national and state government levels. The ministry is responsible for developing, overseeing and monitoring gender mainstreaming processes in government policies, sectors and departments. Other structures established to support the Ministry are the Presidential Advisor for Gender and Human Rights, the Parliamentary Standing Committee of Gender and Child Affairs in the South Sudan Legislative Assembly, and Gender Advisors to the state governors. These structures are guided by the Gender Policy approved by Parliament in 2008. The Ministry of Gender operationalises the policy in collaboration with stakeholders promoting gender and development programmes.

The evidence provided in this section has outlined the current institutional environment, the institutional building process and the impact of past legacies on new institutions. Opportunities and structures created to advance gender rights have also been highlighted. The next section turns to politics in the state in Sudan and South Sudan from pre- and post-colonial times to independence, to understand the evolution of South Sudan and the source of the long civil war.

## **Politics of state and identities**

There are a limited number of empirical studies of factors contributing to ethnic identity in South Sudan. However, some studies indicate that a number of peoples who moved to and lived in the Sudan, and the kingdoms that rose and fell there, characterise the present South Sudan and contribute to its historically diverse culture

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<sup>26</sup> The Draft Transitional Constitution of the Republic of South Sudan (2011). Available from <[http://www.sudantribune.com/IMG/pdf/The\\_Draft\\_Transitional\\_Constitution\\_of\\_the\\_ROSS2-2.pdf](http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf)>. Accessed 20 September 2011.

and identity. With a continuous process of transfiguration and changing identity according to the interaction between and power attaching to socio-political and historical forces, Sudan evolved into an ethnically, religiously and linguistically diverse society (Deng 1995; Khalid 2003; 'The Manifesto' – see Sudan People's Liberation Movement 2008). The evolution of the Southern identification with resistance, according to Holt and Daly (2000), began during the Turco-Egyptian regime (1820–25), a time when the South became a hunting ground for slaves by the Arab traders, whose adventures into the South set the foundation for political alliance and unity between North and South. Holt and Daly indicate that the economic policies of the Turco-Egyptians contributed to the exploitation and subjugation of the South, and gave certain sections of the Muslim and Arab-speaking population of the Sudan a personal opportunity in terms of exploitation. However, the Turco-Egyptian government was overthrown by the Mahdist revolution (1885–98), which also exploited the South rather than liberating the whole country. It is claimed that the Mahdist collaborated with slave traders to take *jihad* (holy war) into South Sudan, but did not succeed in spreading Islam up the Nile (Khalid 2003; Metz 1991). However, a legacy of mistrust, fear and resistance to foreign views, culture and customs in the South remained (Deng 1995).

In 1898, the British-dominated Anglo-Egyptian Condominium administration was established. Sudan adopted constitutional models from British colonialism which stressed a monolithic idea of unity by prohibiting diverse groups. Alier (2003) argues that Condominium rule did not pacify the country; instead, it depended on separate administration of North and South, thus reinforcing Arabism and Islam in the North and indigenous African tribal cultures in the South. He goes on to describe how Condominium rule instituted the so-called Southern Policy, which divided the education system between North and South and introduced Christian missionary education and the principles of Western civilisation (Nyaba 1997). Moreover, the Southern education system was coordinated by missionary societies, which provided grants-in-aid to their schools and promoted English rather than Arabic. In so doing, the government constrained interactions and communication between North and South, exacerbated by the lack of a transport infrastructure linking Juba with



Khartoum, about 1,200 kilometres to the north (Alier 2003; Metz 1991; Deng 1995; Holt and Daly 2000).

The closed district system, diverse geography and politics, the language barrier, education system and poor infrastructure had a differential and divisive impact as between the two regions, and between men and women. This means that political deliberations and decisions were much more influenced by interests and identities (including religion, race, ethnicity, gender and language) of populations who shared a set of common experiences from living through the same environment, rather than by notions of universal rights (Holt and Daly 2000: p. 120). The Condominium regime ruled through the exclusion of Southern leaders from key decision-making processes such as independence from colonial rule and plans for socio-economic and political development. Instead of uniting the country, the new regime formed after independence sustained the politics of exclusion and undervalued the Southern elites. According to Garang (1992), the regime reflected racism, religious fundamentalism, sectarianism, tribalism, dictatorship and partisan ideologies. Marginalisation not only disempowered the Southerners, but resulted in armed conflict, disintegration and the demand for self-determination (Alier 2003; Branch and Mampilly 2005; Johnson 2007; Khalid 2003).

### **Towards a new state and end of conflict**

The Northern elites established a unified state structure and constitution to end the intense conflict between North and South factions, yet they did not define the secular or Islamic nature of the state and its unitary structure. Recognising this, Southern elites rejected the constitution, with its Arab and Islamic identity, and launched the first civil war, the Anya-nya (snake venom) secessionist movement under the South Sudan Liberation Movement (SSLM), which lasted for 17 years (1955–72) (Alier 2003). The civil war ended in 1972 with the signing of the Addis Ababa Accord, which granted the Southern region a limited autonomy. Yet the Southern Regional Assembly in Juba, functioned for only 11 years, being dissolved by the Sudan government in 1980, 1981 and finally in 1983. The government divided Southern

Sudan into three regions and introduced *Sharia* law in September 1983 (Alier 2003). *Sharia* is the moral code and religious law of Islam and deals with many issues otherwise addressed by secular law. These include crime, politics, economics, private matters such as sexuality, and other social issues. Both the introduction of *Sharia* and continued conflict stunted socio-economic development and political programmes (Metz 1991).

Meanwhile, a new rebellion movement called ‘Anyanya Two’ emerged with the aim of creating a New Sudan, free from any form of discrimination based on race, ethnicity, religion, culture or gender. This resurgence of Anyanya would challenge the Arab-Islamic hegemony, and mobilise the South into a full-fledged return to a liberation struggle under the leadership of the Sudan People's Liberation Movement/Army (SPLM/A) which had formed in 1983 (Alier 2003; Khalid 2003). Likewise, in North Sudan, a new Islamic party, the National Congress (NCP) emerged as a major force at the centre of Sudanese politics, with the aim of enforcing Arabisation and Islamisation as the solution to the North/South conflict. Its idea of entrenching religion in state issues was rejected by the SPLM/A, which demanded a secular constitution or the right to self-determination for the South, as well as territory in the North then under the control of SPLM/A.

Failure to achieve self-determination, according to Alier, intensified the civil war, which lasted for 21 years (1983–2005). The war claimed more than two million lives and displaced more than 4.5 million people, some of whom became refugees in neighbouring countries or went into exile. More than 80 per cent of the affected civilians were women and children. Amidst the raging civil war, negotiations between the two factions started, under the support of IGAD and other regional and international actors. The war ended with the signing of the CPA in January 2005 (The Peace Accord – see GOSS 2005; Johnson 2007).

The history of Sudan and South Sudan’s pre- and post-colonial and civil war periods suggests that the problems of defining interests, identities and differences, and achieving equality, might seem intractable. On the one hand, acknowledging the diversity of different groups with their varying interests is central to explaining how interests can become a source of competitive claims to representation (Lovenduski

2005; Mansbridge 1999) and dividing women's problems according to their identities (race, ethnicity, gender, language, religion, marital status, motherhood and education). On the other hand, recognising the varied identities can complicate the task of women organising to address common policy concerns. The next section explores in detail gender relations and gender norms, before and after the civil war, and the position of women, as they engage with the state and the struggle for liberation. The section will show the ways in which women transgressed the deeply gendered public-private divide, and posed a challenge to patriarchal gender relations and autocratic rule. It will be argued that this legacy contributed to transforming the negative perception of women and giving social meaning to the ability of women to rule.

### **Towards nationalism: Women, gender and politics of the state**

Historically, Sudanese women's political engagement started during the Mahdi era (1881–98) in which they played an important role in supporting the revolution, as stated earlier. El-Sanousi and El-Amin (1994) point out that women were entrusted with the task of delivering letters, hidden in their clothes, to different parts of the country. They describe how the prominent Raba al-Kanania revealed a plot against Mahdi's army, which led to Mahdi (the ruler) defeating the Turkish Army. This event was pivotal, as on the one hand women's roles and rights were recognised, yet on the other these rights were based on *Sharia* law which denied women the freedom of public engagement. In other words, rules and norms de-legitimised women's access to, and presence in, the public sphere, and confined them to biological roles and the private sphere. Nevertheless, women remained supportive of the struggle against colonial rule and undertook non-public activities such as fundraising and donating jewellery until the Mahdi's government was overthrown in 1898, and the new Anglo-Egyptian Condominium government established. The women activists were mainly teachers, workers and urban housewives (El-Sanousi and El-Amin 1994: p. 677). Their activism gained momentum when they took to the streets to demonstrate against Female Genital Mutilation (FGM) (El-Sanousi and El-Amin

1994; Institute of Social Studies 1985). Subsequently, women-friendly policies were established, and women's organisations such as the 1951 Sudanese Women Union (SWU). The advancement of SWU's activism posed a threat to the traditional parties' structures, characterised by sectarianism and tribal rule (Beswick 2010; El-Sanousi and El-Amin 1994). The SWU gained membership of several international and regional organisations including the All African Women's Congress based in El-Gezira, and the Berlin-based Women's International Democratic Federation (WIDF), which helped to promote its activities to a vibrant feminist movement. Later, SWU was granted access to the political sphere under the ruling Communist Party (Institute of Social Studies 1985).

In 1953, the SWU Committee won a petition for women graduates from universities and secondary schools to vote (suffrage movement), yet most women were left out because of illiteracy. They joined SWU in large numbers to fight colonial rule, and achieved Sudan's independence in 1956 (Beswick 2010). After independence, women's right to full voting, candidacy, and equal pay for equal work were granted, but the family laws governing marriage and divorce remained unchanged to safeguard *Sharia* law (El-Sanousi and El-Amin 1994; Institute of Social Studies 1985). It might be said that the suffrage movement's struggles were significant and its concerns central to the issues of women's representation raised in this study.

In 1959 the SWU was abolished but remained dynamic in national politics, participating in the removal of the military regime to establish the first democratic government. In 1965, Fatima A. Ibrahim became the first Sudanese woman to be elected to the assembly among 365 men from the Graduate Constituency.<sup>27</sup> She stood as an independent candidate because her Umma political party was not well known (El-Sanousi and El-Amin 1994). The new regime was committed to promoting women, particularly in the rural areas including Southern Sudan;<sup>28</sup> hence allowing the SWU to re-establish and extend its activities in the southern part of the country.

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<sup>27</sup> Background on Fatma Ibrahim, veteran Sudanese community leader, is available from <<http://www.sudantribune.com/spip.php?article21748>>. Accessed 3 September 2012.

<sup>28</sup> It is noted here that Southern Sudanese women were considered to be among the rural women frequently unreachable by modern technology and interventions.

The regime also appointed women to ministerial portfolios and allocated seats for regional representatives (see Isa 2001 and Kuku 2004, in Abou-Zeid 2006: p. 180).<sup>29</sup>

In Southern Sudan, women's effective participation in politics began in the early 1970s, and by 1974 six women had been appointed as members of parliament, three in the National Assembly and three in the South Sudan Regional Assembly. South Sudan had three regions, namely Bahr-El-Ghazal, Equatoria and Upper Nile. Each of these had two women parliamentarians. The SWU continued to operate until 1977 when the government of Sudan introduced *Sharia* law to enforce public morality (Metz 1991; MWC 2010). SWU's activities suffered a setback as the government issued more decrees in September 1983 to reinforce *Sharia* law in the whole country.

Meanwhile, the SPLM/A emerged as a rebel movement, as noted earlier, to challenge the Arab-Islamic hegemony, and mobilised the South into a full-fledged return to a liberation struggle. Women joined the SPLM/A movement in the formal and informal armed forces, fought alongside the men, mobilised and supported soldiers by caring for the sick and wounded. Those remaining at home cared for the families, orphans and the elderly. They embarked on agriculture, and income-generating activities including brewing of local beers, to earn a livelihood, and to educate their children (Beswick 2010; Itto 2006). Those outside the country, too, engaged in various activities, supporting awareness and campaigning for the need to end the war in South Sudan. In January 1991 *Sharia* law was abolished in three regions of Southern Sudan (Metz 1991), resulting in women's increased freedom of movement and participation in the public arena; however, their lives remained at subsistence level because of limited infrastructure, communication and social services.

The history of women in the pre- and post-colonial era shows that claiming the right of representation is an ongoing process, but can be successful when women are united. The suffrage movement took place alongside other feminist campaigns in movements that demanded both descriptive and substantive representation. Many of

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<sup>29</sup> It is noted here that most of the women appointed were from North Sudan – one of the points of dissatisfaction among southerners.

the claims put forward by women, as will be shown in subsequent sections, were already addressed in theory, suggesting the difficulties of transforming gendered institutions. The history of women's activities shows a particular gender dynamic. Although women undertook administrative activities, their recognition came after they engaged with the state and supported the overthrow of the colonial government and the military regime. This suggests structural discrimination and a continued perception of women as being less competent as citizens than men. Even after that, women's rights and access to the political field remained constrained by the authoritarian regime, religion and civil conflict. Whilst the authoritarian regime undermined both men and women, Southern Sudanese women were particularly affected because of limited access to information and education to advance their professional careers, in contrast to their sisters in the North. They experienced triple marginalisation and discrimination because of *Sharia* law, patriarchal social relations and an inability to access power and resources. It might be argued that differential power, interests and identities compelled Southern Sudanese women to join the liberation struggle in large numbers. The next section explores gender continuities in the theatre of war and how gender relations and norms became the key legacies which women used to demand their inclusion in decision making and adoption of quotas.

### **Struggling on all fronts: Gender in warfare and civilian settings**

The distinctive territorial and historical features of South Sudan present particular gender dynamics for women. During the time of autocratic regimes the country and its citizens were driven to adjust to the political and social structures, resulting in rapid transformation in gender relations, norms and consciousness about men and women. Traditionally, women, as the bearers of family and household responsibilities, were the most affected by the 21-year civil conflict because they were dependent on kinship ties and family members. The conflict disrupted the social system and made women either indirect victims of everyday violence, economic disaster and political chaos, or direct victims of the militaristic parties. Women were

killed, raped or displaced, or ran away to neighbouring countries as refugees. On the other hand, the traditional barriers undermining women's access to, and freedom in, the public sphere, were broken and new skills were acquired, which reshaped gender roles and patterns of kinship dependency. In Western Equatoria State, women produced groundnuts, maize, and cassava, while in the Nuba Mountains and Southern Blue Nile women contributed food and encouraged their sons to join the SPLM/A to fight marginalisation and cruelty by the government of Sudan (Itto 2006). As stated earlier, beyond women's inspiration in their role as mothers and carers, some had a double agenda in joining the liberation struggle, consciously or unconsciously – there was also the hope of gaining personal emancipation, freedom from *Sharia* law, and traditional patriarchal social relations (Fitzgerald 2002).

While gender roles did not significantly change in civilian life, they were questioned more strongly in the military setting. Thousands of women who joined the Southern liberation struggle became officers and had prominent roles within the fighting forces. Military life provided a much broader scope for women's personal liberation. Specifically, in the battalion for young women and girls which was formed in 1984 (although later disbanded) they experienced personal freedom and felt that war was a way of overcoming gender conflict and inequalities. In a study on the impact of war on Southern Sudanese women, Fitzgerald (2002) finds that women of all military ranks are assertive, confident and voice their opinions clearly, in contrast to civilian women. She explains that most of the women she interviewed cited equality and empowerment as reasons for joining the SPLM/A:

The army was a good place for women to be equal with men. First I was a nurse, then became a teacher ... When I got here, I was able to join the army ... I wanted to fight with the men for our land ... I am one of the fifty women soldiers who fought the battle to recapture Yei in 1997. We were very strong. (Constance Nako, cited in Fitzgerald 2002: p. 71)

According to Nako, women were grateful when a fellow woman saved seven men by shooting at the enemy with a Bren gun during an ambush. Women were taught not to fear death but to think of defending themselves. Other women were concerned about the patriarchal attitude and culture which had not changed despite the large

number of women who joined the fight. For Fawzia Wilson, for example, past discrimination and the perception that women were unfit for the public sphere could possibly be addressed by joining the army:

Men say women are lower than them. I wanted to be together with them and not let them put their feet on my head. I want to sit side by side in a chair and see what is happening. They can't say, 'You are just a woman'. My gun is my husband. I have been three times to the front line ... I want to go in to fight for the land ... History will say a woman died here for her country. (Fawzia Wilson, cited in Fitzgerald 2002: p. 72)

Outside the armed forces, in the civilian setting, women had little or no protection. They risked their lives trying to find food for their families and the fighting forces. However, the increased responsibilities seemingly provided a better deal, because women expanded their self-reliance, maintained their position in society and created safety nets, unlike women in military bases. In areas with relative peace and stability such as Western Equatoria, women generated income, enrolled in adult education and sent their children to schools in neighbouring countries (Fitzgerald 2002). They discovered their rights, mobilised themselves into small groups and sensitised communities towards peace building. These organisations received notable support from local government authorities and development organisation to conduct adult education classes, vocational training and credit schemes.<sup>30</sup> Women began to see their collective activities as political (politicisation of the private sphere) because of the way they were perceived by SPLM/A, and also considered their achievements in the light of group rather than individual initiatives (Fitzgerald 2002; Itto 2006).

As women became empowered, they started to challenge gender relations, intra-tribal conflict and ongoing civil war. They used various tactics to stop conflict from spreading. For example, Itto (2006: p. 57) claims that women threatened not to comply with their 'conjugal obligations or expose their nakedness' (a curse in most Sudanese customary beliefs) to protest killing and ethnic conflicts. Women

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<sup>30</sup> Research discussion 2, 4 and 5 with groups, 1 October to 30 November 2010.



persistently demanded cessation of hostilities from the local authorities and wanted to be represented in decision making. The turning point came when women heard that the SPLM/A was organising its first convention, aimed at the organisation's restructuring.<sup>31</sup> Women organised themselves, walked long distances and arrived at the meeting in advance of the men. They prepared local shelter, food, water and the meeting place, but most importantly they prepared their stories of brutality and the ways in which they were forced to flee the country.<sup>32</sup> The presence of women, their preparatory activities and their testimonies had a great impression and impact on SPLM/A actors' mind-set, to the extent that it was more or less unconscionable to discount women in the SPLM/A agenda (see details on the first SPLM/A convention in chapter six). Women were recognised and granted 25 per cent representation in decision making, and some were thereafter appointed to local government structures as county secretaries, chiefs and judges, particularly in the Equatoria region.

Women living as refugees in neighbouring countries such as Kenya and Uganda, or in the diaspora, had higher self-esteem and confidence, and enthusiasm for participating in leadership and decision making. The neighbouring countries had provided them with more opportunities and access to resources (education, transport and housing), compared to their counterparts in South Sudan. The women encouraged male power brokers to seek peace and were a source of initiative in resolving common social and economic problems. For example, several indigenous women's groups and activist networks in Kenya, Uganda and from the diaspora, such as the Sudanese Women's Voice for Peace (SWVP) and New Sudan Women's Federation (NSWF), provided an interface with the donor world and served as a base for advocacy activities (Fitzgerald 2002). The international groups advocated peace and drew attention to what was then referred to as 'the forgotten war'. In Washington DC, the UN Headquarters in New York, The Hague and in BPfA, women lobbied the international community to pressure Sudan's warring parties to end the war (Itto 2006). These activities justified women's involvement in decision making and peace

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<sup>31</sup> Research Interview 1 with candidate, 15 August 2010 and 12/10/2010.

<sup>32</sup> Research Interview 3 with candidate, 23 October 2010.

negotiations in the eyes of male power brokers. More importantly, the struggles ensured that the historic closeness between the women's movement and the SPLM/A established the basis for demands for women's representation during the post-conflict reconstruction period.

Overall, the struggles of women suggest that conflicts are not only destructive – aside from the costs, there are benefits for women's autonomy and the prospects for changing gender relations. While war continues to be condemned largely because of the atrocities and gender-based violence committed, it remains a powerful stimulus for social change and women's political reorganisation, as noted elsewhere (Goetz and Hassim 2003; Tripp et al 2006; Waylen 2007; Goetz 2010; Bauer 2012). In the present case, institutional change has largely been triggered by contestation of rules and norms for gender equality, limited access to resources and power relations, within both the arena of war and the civilian setting.

### **Toward the CPA: Political reform and constitutional engineering**

The CPA signed in January 2005 offered a roadmap for democratic transformation from the existing one-party rule to a multi-party democracy. It also offered a mid-term free and fair election during a six-year Interim Period, and constitutional restructuring of the Sudanese state on the basis of citizenship rights. The CPA devised a constitutional framework, on the basis of a 'one country–two systems' model. The Interim Period provided space for the two partners to the CPA (NCP – Sudan government and SPLM/A – South Sudan), as well as the rest of the Sudanese political forces, to promote and foster a Sudanese commonality. The commonality would lead either to a new united Sudan or, through the free vote of Southerners in the self-determination referendum, split the country into two independent states.

However, implementation of the CPA essentially mirrored the inconsistent interpretation, perception and understanding of each partner's terms and objectives in the different areas. Southerners were concerned about self-autonomy as an opportunity for realising their identity and human dignity. A history of non-

compliance with peace agreements, as argued by Alier (2003), had made Southerners wary and sceptical of the chances of success in any future agreement or unity with the North. In Alier's (2003) book *Too Many Agreements Dishonoured*, he offers an understanding of the past legacies and decisions of the Sudan government, drawing attention to the ways in which the government breached several peace agreements. As a consequence, in January 2011, 99 per cent of South Sudanese voted for self-determination in a referendum, in favour of secession and the establishment of South Sudan as an independent state. South Sudan became a sovereign state on 9 July 2011.<sup>33</sup>

In terms of gender rights, the CPA (2005) was limited in its use of gender-responsive and inclusive language to capture the strategic needs of women. Emphasis was placed on security, wealth-sharing and related construction processes which also reflected limited gender dimensions, timelines, and indicators for monitoring the progress of women's inclusion (See GOSS, Comprehensive Peace Agreement 2005). The Machakos Protocol, for instance, contains a framework for governance through which power and wealth are to be equally shared and human rights guaranteed, but there is no mention of women's specific needs in the criteria for sharing.<sup>34</sup> The Protocol protects human rights and freedoms, decentralises power from the centre to marginalised groups and enshrines opportunities for equal participation. These elements focus mainly on security and regional interests rather than gender power relations. Women's specific needs, and criteria for equitable power sharing and resources, are not explicitly stated. Since the CPA is a guiding document, it was most likely that the benefits of progress and development in gender power relations would remain contested in new institutional development. In recognition of this gap, women's networks, donor agencies and INGOs lobbied and sensitised the main negotiators of the peace accord, resulting in the final CPA (2005) incorporating

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<sup>33</sup> Broadcast of Declaration of Independence Part 1&2. Available from <http://www.youtube.com/watch?v=-sJugNxYVA8>; <http://www.youtube.com/watch?v=v5m4JUyBW38&lr=1n>. Accessed 25 September 2012.

<sup>34</sup> Machakos Protocol. Available from <http://www.smallarmssurveysudan.org/pdfs/HSBA-Docs-CPA-2.pdf>. Accessed 25 October 2012.

conditions for equality in elections.<sup>35</sup> Although it can be asserted that quotas were underplayed in the final peace agreement, I argue that the foundation had been set for future progress and the ultimate success of quotas in increasing women's political representation.

Section 1.62.11 of the CPA emphasises 'every citizen's right and opportunity, without discrimination and unreasonable restrictions, to vote and to be elected'. At the national level, both the Interim National Constitutions (INC 2005) and the Interim Constitution of Southern Sudan (ICSS 2005) included progressive, gender-responsive provisions indicating affirmative action for women's representation in all arms of the government. Section 32 (1&2) of the INC recognises women's human rights, with explicit language on affirmative action, stating that: "(1) The state shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits; (2) The state shall promote women's rights through affirmative action."<sup>36</sup> Similarly, the Government of South Sudan recognises women's human rights and sets a quota in the ICSS under section 20 (4a) which states that "All levels of government in Southern Sudan shall: (a) promote women's participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent (25 per cent) as an affirmative action to redress imbalances created by history, customs and traditions."<sup>37</sup> These provisions are also reaffirmed in the Transitional Constitution of South Sudan (TCSS, 2011) under section 16 (4.a).<sup>38</sup> This means that, constitutionally, South Sudan guarantees

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<sup>35</sup> It should be noted that the call to implement gender quotas in Sudan was the collective effort of women's organisations within and outside the country, key actors and the international community.

<sup>36</sup> Article 32 (2) of the Sudan Interim National Constitution relating to the 'Rights of Women and Children'. Available from < [http://www.sudan-embassy.de/c\\_Sudan.pdf](http://www.sudan-embassy.de/c_Sudan.pdf) >. Accessed 15 September 2011.

<sup>37</sup> Interim Constitution of Southern Sudan (ICSS) Bill of Rights Section 20 (4. a) indicates specific gender quotas (25 per cent). Available from <[http://www.chr.up.ac.za/undp/domestic/docs/c\\_SouthernSudan.pdf](http://www.chr.up.ac.za/undp/domestic/docs/c_SouthernSudan.pdf)>. Accessed 15 September 2011.

<sup>38</sup> Transitional Constitutional of the Republic Government of South Sudan. Available from <[http://www.sudantribune.com/IMG/pdf/The\\_Draft\\_Transitional\\_Constitution\\_of\\_the\\_ROSS2-2.pdf](http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf)>. Accessed 15 March 2013.

women's human rights, including gender quotas and the right to vote and to be elected. The integration of quotas into the legal framework sets the scene for future progress and success of the 25 per cent quota. Likewise, claims and reasons for establishing quotas are in agreement with feminist scholars (see chapter two).

### **Post-conflict opportunities and expectations arising through quotas and agencies**

As transition was underway, the women's movement and activists adopted diverse strategies in response to unfolding events. There was an assumption, coming from transnational and cross-border experience-sharing (see *GEM News* 2009), that integrating gender rights and quotas at an early stage of institution-building would be easier than at later stages. The first strategy was to use any available opportunity to participate in sessions organised to develop the constitutions (INC and ICSS) and the electoral law. Women's groups participated and ensured that the 25 per cent provision was integrated (see chapter six). The second stage was to enhance their understandings about gender quotas, and the legal provisions. This was crucially important because the constitution and electoral law were not widely disseminated. They became aware that the law grants both men and women certain rights and freedoms, and encourages all political parties to give space for women to make their political positions known in public. Yet many women realised that they were lacking the political experience, leadership skills and confidence to run in elections. Most of them had not competed in, witnessed or voted in large-scale, ballot-box elections before the April 2010 elections. In the last elections, held in 1983 before the 21-year civil war, women were neither candidates nor voters (*GEM News* 2009). Their right to vote, secured in 1964,<sup>39</sup> was not revoked, but illiteracy, ethnic conflicts, civil war

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<sup>39</sup> International Woman Suffrage Timeline. Available from  
<[http://www.youthxchange.net/main/b258\\_womenatparliament-c.asp](http://www.youthxchange.net/main/b258_womenatparliament-c.asp)>. Accessed 10 May 2010.

and patriarchal structures constrained women's participation in politics.<sup>40</sup> That is, women lived under the control of male heads of household who were considered able to exercise citizenship on behalf of their families. There were also concerns that the experience of past elections, in which practices often deviated from the formal rules (Willis and el-Battahani 2010) due to political manipulation, resources and electoral officials' preferences, would be repeated. Thus, women devised a strategy of addressing these concerns through engagement with media, community sensitisation and participation in political parties' meetings.

Other opportunities that opened up included organising women across party lines and the development of a common agenda (as will be discussed in the next section), training and capacity building in leadership skills, lobbying, campaigning, and resource mobilisation. Several reports indicate that the 2010 elections were a learning opportunity for South Sudanese women to exercise their democratic rights by electing women who would represent them (see, for example, UN Women Annual report 2010; EU EOM 2010). Similarly, the elections process paved the way for women's rights organisations, INGOs and UN agencies to advance the promotion of women's political rights in the country through mainstreaming gender dimensions in the policy- and electoral law-making process. They also integrated gender into the advisory services, provided guidance to gender expert working groups and training, and facilitated discussions between aspiring female candidates and political parties (see chapter six). Women's organisations and agencies supported the dissemination of information, communication and education materials through media, door-to-door campaigns and in weekly markets and public services.<sup>41</sup> Media personnel were trained in gender-sensitive reporting and profiling of potential women candidates.<sup>42</sup>

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<sup>40</sup> *IPS News Agency*, September 12 2009. The story below 'Complicating the vote for Women': 'Women were not allowed to vie for political office or vote'. Available from <<http://www.ipsnews.net/news.asp?idnews=48420>>. Accessed 10 October 2011.

<sup>41</sup> Research interview 12 with key player, 19 October 2010; Key player 29, 27 December 2010 and Key player 14, 24 October 2010.

<sup>42</sup> Research interview 15 with key player, 6 May 2010, 15 and 30 October 2010; Research interview 21 with key player, 7 June 2011. Confirmed in research interview 30 with respondent, 19 October 2010.

As women candidates embraced the opportunity to exercise their rights, the first elections had many challenges (GEM 2009).<sup>43</sup> These will be addressed in detail in chapter seven.

### **Towards elections: Women's organising for common agendas and quotas**

Numerous political processes and institutional changes took place in the run-up to the first post-conflict elections. Both aspirants and experienced women's organisations such as Sudanese Women Association Network (SWAN), which influenced the peace process, were uncertain of the outcome of quotas. Many were concerned about what strategies to adopt to ensure that political parties complied with quotas rules to increase women's representation. The tension invoked past experiences of women's exclusion in the final stages of the CPA, and undermining of gender quotas. Gender quotas were enacted but women were under-represented in almost all sectors in the Interim Period. As will be discussed in chapter seven, there was much more to be done in institutions of political recruitment to ensure policy implementation. Generally, this conviction was a major driver for the mobilisation of women across party lines through different programmes such as training, rallies and conferences.<sup>44</sup>

For example, a conference was organised in Juba, South Sudan from 17–19 July 2009 with the aim of developing a 'Women's Common Agenda for the 2010 Elections' (UNIFEM 2009). The conference brought together political parties, CSOs, gender machineries and feminist bureaucrats. The conference organisers also invited some women activists and parliamentarians from other post-conflict countries such as Rwanda, Kenya, Uganda and South Africa to share their knowledge and

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<sup>43</sup> African Woman and Child Features. Available from <[http://www.awcfs.org/dmdocuments/gem\\_sudan/SudanWomenAgenda.pdf](http://www.awcfs.org/dmdocuments/gem_sudan/SudanWomenAgenda.pdf)>. Accessed 15 November 2010.

<sup>44</sup> Research discussion 2 with groups, 1 October to 30 November 2010.

experiences. Field practitioners from UN agencies and the international community were present to guide and facilitate the articulation of women's concerns. The conference imparted skills to over 100 women leaders from all ten states of South Sudan, who would then prepare other women as candidates and sensitise voters for the 2010 elections. It also developed a declaration for women's common agenda for elections, and established an association of Southern Sudan Women in Political Parties (SSWPP). The association was formed by women from different parties, independent feminists and women's organisations (including activists, academics and middle-class professionals).



**Fig. 5.3: Minister for Gender, Child and Social Welfare, Hon. Agnes Kwaje Lasuba (second left seated) posed with delegates of Women's Common Agenda for 2010 elections after official opening of the conference on 17 July 2009.**

The conference participants re-strategised and debated the ways in which women should engage with political institutions, the alliances they should make, and the mechanisms they should employ to influence the adoption of the common agenda in their parties' manifestos. This was an important intervention in terms of implementation (see chapter seven). The declaration appealed to the political institutions to comply with 25 per cent gender quotas and to incorporate women's demands in party manifestos. The declaration underlined the necessity of capacity building for women candidates, and called on the media to promote female candidates' visibility. It also called on the National Electoral Commission to adopt



gender-sensitive guidelines for electoral processes, and emphasised that adequate security measures ought to be in place to prevent election violence. The declaration was endorsed by the chairperson of the Political Parties Affairs Council (PPAC), who committed to direct political parties to adopt and implement the 25 per cent gender quota; and advocated including on the agenda that NEC finance women candidacies for geographical seats (UNIFEM 2009).

Subsequently, South Sudan women from various parties, parliamentarians and government representatives organised another meeting, calling on the government to remove all obstacles to women's participation in political office and bureaucracy. The meeting reaffirmed that South Sudanese women were renowned for their active participation in the peace process, and for good governance. It called for the National Electoral Commission, the media and other political institutions to address the following:

the effective participation of women in political parties; development of gender-sensitive manifestos; establish equal opportunities body to monitor the implementation of the Bill of Rights in the interim Constitution of South Sudan; gender-sensitive media; prevention of election violence; gender-sensitive elections guidelines; and capacity building for female candidates. (Sudan Vision 2009: p. 1)

The declaration and women's demands were presented to all political parties for incorporation into their electoral programmes. These events were followed by a series of dialogues and a process of sensitisation on women's democratic rights and leadership by different institutions (political and non-political organisations); and women were registered and nominated to fill the 25 per cent requirement of the gender quota. The increased visibility of women, sensitisation as to quotas, and past experience of women's mobilisation for peace, influenced political parties to comply with gender quotas and women's demands. The SPLM Party, for instance, incorporated 25 per cent into its manifesto and promised to raise the quota to 30 per cent. Beyond the political institutions, female candidates had good relationships with

the Ministry of Gender and Social Welfare, women's organisations and their allies, who supported them in the election process (*GEM News* 2009).<sup>45</sup>

### **Gender quotas, electoral system and political parties**

South Sudan adopted a mixed electoral system that included elements of the plurality, majoritarian and PR systems in its 2010 elections. While it is not the only country that has adopted a mixed electoral system,<sup>46</sup> it is unique in the way in which it draws on all three types of system, and applies them to different degrees for various elements of the elections. The electoral system chosen makes the elections unique in scope and comprehensiveness because of six levels of election: the President of the Republic of Sudan (before separation), the President of the GOSS, the governors of the states, members of the National Assembly, members of the South Sudan Assembly and, lastly, members of the state assemblies. Voters in South Sudan were presented with 12 different ballot papers. Given the high level of illiteracy, it has been argued that the intricacy of the electoral system overstrained voters and therefore affected the representativeness of the elected bodies (EU EOM 2010). It could also be said that the electoral design and political system had a significant influence on political behaviour and the recruitment of female candidates. To understand further the impact of electoral design and political systems on female candidates, it is important to examine in detail the Elections Act (2008) in terms of language used and the different provisions it makes for gender quotas.

Articles 29–33 of the Elections Act (2008) indicate that women can be elected through geographical constituency, party lists and women lists, both at national and state legislative assembly level. The term 'party lists' refers to the list containing 15 per cent of the total number of members of legislative assembly, nominated by political parties. Under the PR system, voters choose among parties, rather than

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<sup>45</sup> Research interview 15 with key player, 30 October 2010.

<sup>46</sup> Other countries include Mali and Senegal.

among candidates. Parliamentary seats are then conferred to the political parties in proportion to the votes they have received. The PR system is subject to a 4 per cent threshold. The ‘women lists’ means the state separate and closed party lists of women only containing 25 per cent of the total number in any legislative assembly. This means voters choose among parties, rather than among female candidates, and seats are awarded to parties in proportion to the votes they have received.

The Elections Act (2008) requires the electoral commission to determine the number of constituencies, seats and dividends according to the population size, and in accordance with the provisions of the law. Article 30 of the Elections Act (2008) states that: ‘The number of South Sudan National Legislative members shall be elected as: 60 per cent of the members to represent geographical constituencies; 25 per cent women members to represent women’s lists on basis of PR from separate and closed party lists; and 15 per cent members to represent party lists on basis of proportional representation’ (Article 30, Elections Act 2008). At the state level, Article 31 states that: ‘The number of members specified in the Constitution of each state are elected as follows: 60 per cent to represent geographical constituencies at the level of the state concerned; 25 per cent women members to represent women’s list on basis of PR from separate and closed party lists; and 15 per cent members to represent party lists at the level of the state concerned and elected on basis of PR from closed party lists.’ (Art 31, Elections Act 2008)

Each state has different lists corresponding to the particular parties competing in that state, as shown in Table 5.1 below. The number of seats varies from state to state, with some states having one, others two and the rest three or four. Although the party lists and women’s lists are decided at state rather than constituency level, their allocation is also determined by the 2008 census. The formula for the number of party and women’s seats is the same as the formula for allocating the geographic constituencies, but it is applied at state rather than constituency level (Elections Act 2008). The Act requires that a national dividend be first calculated for both the party and the women’s lists seats. The national population is thus divided by the number of seats. Then, the state’s population is divided by the national dividend to yield that state’s allocation of seats (Elections Act 2008).

**Table 5.1: Number of seats per state in South Sudan**

<b>State</b>	<b>Constituency Seats</b>	<b>Women's Seats (PR)</b>	<b>Party List (PR)</b>
Eastern Equatoria	11	5	3
Upper Nile	12	5	3
Unity	7	3	2
Western Bahr al Ghazal	4	1	1
Lakes	8	4	2
Warrap	12	4	3
Central Equatoria	14	6	3
Northern Bahr al Ghazal	9	4	2
Jonglei	17	8	4
Western Equatoria	8	3	2
<b>Total</b>	<b>102</b>	<b>43</b>	<b>25</b>

*Source:* Sudan National Election Committee (NEC) 2010.

While it can be argued that the mixed electoral system employed was complex, adopting a single system such as a winner-takes-all majoritarian system would not have simplified the elections. Instead, it could have reinforced the big parties' hold on political power, probably to the exclusion of all other parties, and constrained women's access to politics. Conversely, if the electoral system was based on PR only, it could have caused parties to use excessive power in candidate selection, resulting in tensions, favouritism and possible conflict, as argued by Gustafson (2010) even though seats for women were guaranteed. The use of a mixed electoral system therefore guarantees seats for women as the marginalised group and minimises internal conflict. Female candidates who fail to secure reserved quotas seats can still run in elections through geographical seats and party lists. However, the electoral design does not provide for oversight mechanisms and resources for female candidates, suggesting that women's access to politics may remain constrained by institutional environment.

## **Elections management, candidates, recruitment, election campaigning**

The April 2010 elections were administered by the National Elections Commission (NEC), with limited responsibilities entrusted to the Southern Sudan High Elections Committee (SSHEC) and the State High Committees in South Sudan (SHC). All high committees were responsible to the NEC for administering and supervising the elections as required by the Elections Act (2008). Political parties had a role in training, nominating candidates, developing rules of the game and watching government spending and programmes. Article 53 (2–e) established qualifications for any person to be eligible to stand for election. Political parties too, responsible for recruitment, established their own eligibility criteria for candidate selection, and internal party rules. For example, some interviewees said that a person nominated as a candidate was expected to be popular among citizens, have the ability to represent the party's members in the government, have good leadership skills or be committed to the party's ideology. The decision as to whether to use the standards established by the electoral law, or use both the party and electoral law standards, fell to political parties (see also Article 53 and 54 (1&2) of the Elections Act 2008). When recruitment was completed, successful candidates were announced and embarked on campaigning (see chapter seven for standards set and campaigning strategies).

## **Election of female candidates and polling procedures**

When registration and nomination is completed, each political party selects a potential candidate to compete with members of other political parties. For a geographical seat, a voter casts one vote for one candidate from the geographical constituency ballot card. The candidate with the highest number of valid votes in the geographical constituency is declared the winner. For party and women's lists, candidates are elected by PR as per Article 33 (1–7) of the Elections Act (2008) as below:

1. Voters cast one vote for one party list candidate of their choice from those listed on the party list ballot card, which contains the 15 per cent of total seats of the Legislative Assembly concerned;
2. Voters cast one vote for one women's list candidate of their choice from those listed on the women's list ballot card, which contains the 25 per cent of total seats of the Legislative Assembly concerned;
3. The Commission calculates the electoral dividend for the party list and women's list in the Legislative Assembly concerned to determine the number of candidates elected from each list;
4. The list that gets a qualifying percentage of the valid votes (at least 4 per cent) competes for a seat in the Legislative Assemblies;
5. The Commission divides the seats designated to the party list or the women's list on the basis of the number of votes obtained by each list relative to the strength of the seat after excluding the lists that do not obtain the qualifying percentage;
6. Where the results of the divisions calculated in sub-section (5) do not lead to filling the total number of seats of the Legislative Assembly concerned, the Commission allocates the remaining seats on the basis of the largest divisors as detailed by the Rules;
7. The seats designated to the party list and women's list are won by the candidates on those lists in the order their names appear in the lists concerned from top to bottom (Article 33 (1–7), Elections Act 2008).

Whereas the Elections Act (2008) requires that seats won be given to candidates whose names appear in the lists concerned from top to bottom, it does not provide a placement mandate, guide the ranking order of candidates on party or women's lists or establish monitoring mechanisms and sanctions for non-compliance. This is an important gap which might impact political behaviour, the candidate selection process and outcomes of quotas.

## Conclusion

This chapter has set the scene for South Sudan and provided the historical background to understand the gender relations and past decisions that influenced institutional change in the post-conflict reconstruction era. The chapter reviewed the stories of women in both the warfare and civilian camps, exploring the ways in which women protested authoritarian rule and male dominance, and engaged in transformative activities which challenged the dominant discourses about motherhood as a passive and private role, through the use of public space. Women participated in different ways in the struggle for nationalism and liberation, and related to and supported men but at the same time challenged the gender roles which encumbered women. More importantly, women had a double agenda: to achieve personal liberty and the liberation of their land. This agenda influenced their organising in pre- and post-conflict periods, which in turn influenced institutional change, adoption of quotas and substantive representation. The chapter has also provided an overview of the new institutions and structures formed to promote women's rights and political representation, and stressed that institutional engineering succeeded in setting the basis for gender quota continuity. The chapter concluded with a description of the electoral processes and pointed out the gaps that might undermine the successful recruitment of female candidates and the implementation of quotas in general.

The next chapter explores how the interaction of historical context, gender relations, legacies of past structural discrimination, and critical junctures, influenced the formal adoption of gender quotas in South Sudan.

## Chapter Six: The Story of Gender Quotas Adoption

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The previous chapter provided the relevant historical background of South Sudan for an understanding of the gender relations and past legacies which influenced institutional change in the post-conflict reconstruction era. I employ that information, alongside individuals' experiences, in chapter six, to trace the adoption process of gender quotas. While gender quotas policies are increasingly adopted across national and wider party contexts, the broader literature shows that the adoption process, is not always straightforward. There are exogenous and endogenous elements that interact with quotas. This begs exploration in detail of the following: How are quotas adopted and established? What exogenous and endogenous factors contribute to the success of quotas? What supportive and unsupportive roles do actors play in the adoption of quotas? What rules-in-use, and enabling and constraining legacies, play out in the adoption of quotas?

I trace the adoption process through a detailed sequence of events, then analyse the institutional environment, processes and competing stories vis a vis quotas. While doing so, I focus particularly on gendered power dynamics, historical context and critical junctures that affected the adoption of quotas. My argument is that institutional environment, legacies, actors and informal norms are significant in the adoption of quotas. There are three sections. Section one explores the institutional environment, highlighting exogenous and endogenous elements and opportunities. Section two traces the adoption process, influencing factors and gendered resistance, while drawing attention to the ways in which informal rules– 'Bigmanism' style of rule in Africa – play out during periods of reform and transition. This section links with chapter five by providing stories of women's organising to influence quotas and inclusion in decision making. Section three traces the formal adoption of quotas in the legal framework and other policies, in order to examine the continuity of policy commitments made during the struggle, and post-CPA practices. It will be argued that old gender practices, norms and expectations buttress new institutions in ways which can dispirit initiatives for advancing gender equality in power relations. The



chapter concludes with an assessment of the adoption process, indicating a series of informal rules and norms which interact with gender quotas.

## **Introducing the institutional environment**

### *Exogenous and endogenous factors*

In chapter two I showed that quotas have been extensively adopted in countries in sub-Saharan Africa, and have had an impact on women's political representation in political institutions in the region (Bauer 2012; Goetz 2010; Krook 2009; Tripp *et al.* 2006; Yoon 2010). Interestingly, most of these African countries are in transition to democracy or are in a state of post-conflict reconstruction – for example Rwanda, South Africa, Namibia, Uganda and, of course, South Sudan – and they have increased the number of women elected to their parliaments in recent years (Inter Parliamentary Union 2013). The liberation wars or civil conflicts broke and shook up prevailing social and cultural norms, opening a space for women to play non-traditional roles. Further, changes in women's political representation in these countries have been aided by the diffusion effects of transnational and regional organisations, which continue to motivate women's organisations to participate in the re-drafting of constitutions or re-establishment of parliaments, or request the donor community to put pressure on national governments (see chapter two).

In South Sudan, state objectives and adherence to international and regional norms have played a significant role in quotas.

The adoption of quotas was an attempt to redress gender imbalance, create a modern democratic image and to challenge the Islamic movement in Sudan (North), which embraced *Sharia* law (see chapter five). The idea of quotas was initially introduced in South Sudan during the first SPLM/A convention in 1994, but formal adoption and amalgamation in the legal framework took place after the peace agreement (see chapter five). With support from donors such as the 2005 Oslo

Donors' conference<sup>47</sup> and regional pressure, Sudan/South Sudan complied with international norms that included UNSCR 1325.<sup>48</sup> The resolution calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, *inter alia*, measures that ensure protection of, and respect for, the human rights of women and girls, particularly as they relate to the constitution and the electoral system. Other international regional norms which influenced the recognition of women's rights and quotas include the Beijing Declaration and Platform for Action (BPfA), Millennium Development Goals – which place gender equality as a central goal by 2015. At the African regional level, key drivers include the African Union (AU) parity clause, Southern African Development Cooperation (SADC), Solemn Declaration on Gender Equality in Africa (SDGEA)<sup>49</sup> and the Intergovernmental Authority in Development (IGAD) Gender Policy,<sup>50</sup> which have set a target of 50 per cent representation in principle.

These instruments facilitated the integration of gender rights and adoption of gender quotas, which made South Sudan one of the most recent post-conflict countries to adopt conditions for inclusion of women in its peace agreement and constitution. The next section introduces political institutions, key players and their roles in the adoption of gender quota.

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<sup>47</sup> Sudanese Women's Priorities and Recommendations to the Oslo Donors' Conference on Sudan, 11–12 April 2005: 2. Available from <<http://www.sudansupport.no/filestore/SudaneseWomenprioritiesandrecomendSudanCivilSocietyForumOsloApril2005.pdf>>. Accessed 12 January 2010.

<sup>48</sup> UN Security Council Resolution 1325 (2000). Adopted by the Security Council at its 4213th meeting, on 31 October 2000; pp. 1–4. Available from <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>>. Accessed 13 November 2011.

<sup>49</sup> Solemn Declaration on Gender Equality in Africa (2004) – strengthens African ownership of the gender equality agenda. Available from <<http://www.africa-union.org/root/au/Conferences/Past/2006/October/WG/doc.htm>>. Accessed 12 January 2011.

<sup>50</sup> IGAD Gender Policy Recommendation 9–13 on the Proceedings of the 3rd Regular Meeting of Ministers in Charge of Gender Affairs, 15 July 2000: p. 18. Available from <[http://www.peacewomen.org/resources/Organizing/IGAD\\_3rd\\_Meeting.pdf](http://www.peacewomen.org/resources/Organizing/IGAD_3rd_Meeting.pdf)>. Accessed 12 January 2011.

## **Introducing the political institutions and key players**

The key players in the adoption of quotas had a significant role in facilitating meetings and the sharing of experience across borders, providing technical and financial support. I have divided these players into three groups: central, international and local. Well aware that the process took place before South Sudan became independent (see chapter five), I highlight players from both countries, the Sudan and South Sudan. Central players are SPLM/A, Government of Southern Sudan (GOSS), Government of National Unity (GoNU), NEC, Women's groups and CSOs. SPLM/A was the main signatory of the Peace Accord in 2005 and a dominant political party in the South, with the power and ability to enforce rules and regulations (CPA 2005; Johnson 2007). Findings from my research reveal that SPLM/A's positive ideology, its attitude towards women and electoral pragmatism have contributed to removing substantial barriers to women's political representation and to the adoption of 25 per cent gender quotas. GoNU and GOSS are regarded as central players because they facilitated the adoption of election conditions that favour women in the CPA, affirmative action, and quotas in the legal frameworks and Elections Act (2008). Similarly, the NEC is a central player because it holds formal control over rule making and interpretation, and is responsible in particular for enforcing the rules and regulations that directly influence parties' choices in the candidate selection process (National Elections Act 2008; Gustafson 2010).

International players including the donor community, UN agencies and INGOs, supported efforts to include women in decision making and participation in post-conflict reconstruction programmes. They provided technical and financial assistance in order to facilitate conferences and workshops, which brought together government institutions, political parties, women's groups and activists, media and academic institutions. The assistance from the international community is recognised by key player 15, as described below:

Our mandate is to support South Sudan to attain women's rights and gender equality. We are also here to support the South Sudan to fulfil its commitments on women's rights as per international and regional norms.<sup>51</sup>

Assistance from the USA-supported NGOs, the National Democratic Institute (NDI), is particularly noted in organising a series of workshops in 2004 in Nairobi, Kenya to develop and sharpen women's skills for engaging with government in the peace-building process (Itto 2006). One of the major outcomes of these events was an increased awareness on the significance of women's presence in decision making through the use of quotas. Regional bodies such as the AU and IGAD, that supported the peace negotiations, continued to provide technical and financial assistance to ensure alignment of the country's policies with international norms for women's political rights (*IRIN News* 2005; UNIFEM 2005).<sup>52</sup> These initiatives encouraged local groups to put pressure on their government to adopt measures for gender quotas in the legal framework, policies and laws.

At the national level, the international community influenced the adoption of quotas by facilitating political dialogue and debate, and through generous funding from multiple donor countries. A number of programmes were established to address the need to promote international and regional norms, as well as best practices such as the development of gender policy, the establishment of gender desks and the leadership of gender working groups. The gender working group on elections, for instance, was comprised of UN agencies, donors, and international and South Sudanese NGOs. They devised various strategies through which, in collaboration with the government, more than 50 per cent turnout of women voters was achieved. The strategies aimed to achieve a 25 per cent gender quota nationwide during the

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<sup>51</sup> Research interview 15 with key player, 30 October 2010.

<sup>52</sup> See for example the Oslo donor conference on Sudan which was supported by the Government of Norway, the Norwegian Institute of International Affairs (NUPI) and the United Nations Development Fund for Women (UNIFEM). Others were the Intergovernmental Authority on Development (IGAD), the African Union, South African Women in Dialogue, the UNIFEM Goodwill Ambassador for Africa and other United Nations agencies – the Joint Assessment Mission (JAM) team in Sudan; DPKO; UNFPA; UNICEF; UNHCR; and UNDP.

April 2010 elections (*GEM News* 2009; UNDP Sudan 2012; UN Women Annual Report 2010/2011: p. 16).

Local players include women's movements, women in the military and women activists in the diaspora, particularly those based in Kenya where the peace arbitration took place. Women's groups played a key role in the adoption of gender quotas and institutional change. Whilst published reports of South Sudanese women's engagement with the state during the two civil wars (1955–1973 and 1983–2005) are limited, some studies (Aldehaib 2010; Beswick 2010; Faria 2011) show that South Sudanese women challenged Sudan's authoritarian rule during this period through public demonstrations, covertly hiding soldiers and war victims, and collecting information for the guerrilla movement. They undertook these initiatives within and outwith the country, in the diaspora and in neighbouring countries with the aim of facilitating efforts to end the civil war (Fitzgerald 2002). Women's groups and the department of women in the SPLM/A advanced claims for inclusion in the peace process. Their efforts continued after the CPA – the Ministry of Gender, Child and Social Welfare was established to spearhead women's organising and gender mainstreaming. The Ministry advocated gender quotas in the legal framework and instituted gender policy and programmes aimed at substantive representation (research interviews with candidates 5, 7 and 11; UNIFEM Annual Report 2009–10: p. 5).

These various organisations and institutions are considered significant players because of their roles in advocating women's rights and quotas, and the inclusion of women in the process of political reorganisation in South Sudan.

### **Historical context, political opportunity structures and critical junctures**

While it can be argued that most post-conflict countries adopt quotas in response to external pressure and as a badge of democracy and modernity, findings from my case study indicate that quotas were a result of both external and internal pressures.

Pressure from women's groups had a significant influence on the process. However,

until recently, there has been no systematic documentation or reliable published accounts of women's involvement with the state in organising the first SPLM/A National Convention (NC). Chapter five showed that women were present at the convention, and in fact shared their stories of violence and multiple gender roles. What is not yet clear is how women negotiated for their inclusion in the final SPLM/A NC agenda, because Rolandsen (2005: pp. 95–96) claims that the 'participation of women in the liberation' was one of the new agendas added at the last minute. By using interviews and core background information from various sources, I trace how the inclusion of women in the liberation process, and the adoption of gender quotas, came about.

### **Towards the first National Convention: The turning point for women?**

In chapter five I showed how patriarchal social systems were disrupted by the civil war, resulting in women gaining a unique opportunity to engage in the public arena and uphold their dual liberation cause. In 1985, the New Sudan Women's Federation was established as a civil society organisation. The NSWF organised women to provide care and humanitarian assistance, feed the army, and promote peace and adult literacy education for women. In 1986 the first group of women joined the SPLM's 'political school' and in 1989 the SPLM established the post of Director of Women's Affairs. Throughout the 1990s, South Sudanese women's organisations built a movement that worked in collaboration with UN agencies, INGOs, donors and local communities within and outwith the country, engaged in advocacy and created a space for women within various political institutions (see also Fitzgerald 2002; Itto 2006). According to the interviewees, women became empowered and started to challenge the workload burden on women, gendered norms and persistent conflict:

Women were tired of war. We didn't even know why it was going on. We called on our men to stop killing each other, they would agree, but the following day you will hear that there is war again ... When we heard that there was going to be the first National Convention in Chukudum, we organised ourselves, walked a long distance

and presented our demands to stop the war and requested to participate in negotiations.<sup>53</sup>

Women voiced their concerns about equitable representation and lobbied to be part of the decision-making process in the negotiation so that they could promulgate unity, which in turn would lead to peace. In 1994, from 2–13 April, SPLM organised the first National Convention in Chukudum, Eastern Equatoria. Like other members of the liberation movement, women from grassroots, women's peace groups, CSOs and women leaders from SPLM/A organised themselves and travelled for several weeks on foot on unsafe roads to attend the Convention (Rolandsen 2005; SPLM Manifesto 2008; research interviews 1 and 2 with candidates). Women were determined to voice their concerns:

Affirmative Action came as a real fight ... women expressed their dissatisfaction in representation in the movement during the first SPLM Convention. Women clearly stated that they are contributing equally to the movement, but are not in leadership ... 25 per cent ... was not given on a silver plate.<sup>54</sup>

The objectives of the NC were to transform the movement for democratic rule and liberation, restructuring the movement and establishing a clear line between SPLA, SPLM and the civil administration (Sudan Tribune 2008). Many items were on the agenda, but participation of women in the liberation was the best that South Sudanese women could get out of the Chukudum Convention. This is because the planning, preparation and agenda setting of the NC did not involve women – a fact rarely stated in the literature, as mentioned earlier. This chimes with feminist scholars who claim that the absence of women leaves their concerns and interests overlooked in all-male or mostly male gatherings (Lovenduski 2005; Mansbridge 1999; Phillips 1995). Men have limited capacity for articulating women's issues and in most cases attempts to align them with pre-agreed programmes will encounter difficulties or result in omission.

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<sup>53</sup> Research interview 1 with candidate, 15 August 2010.

<sup>54</sup> Research interview 3 with candidate 23 October 2010.

The shape and content of the NC was predetermined according to how it would be conducted and the expected outcomes, as argued by Rolandsen (2005). Although it was the first NC, he argues, when the delegates arrived at the convention someone had invited them, had decided what they were going to discuss, and had formulated drafts of the proposals to be voted on. He illustrates this informal process by citing the opening speech to the NC by the chairman of the SPLM/A, Dr John Garang. Garang was the first SPLM leader to sign the peace agreement between North and South Sudan. In his speech he said:

You have in front of you the documents of the Convention Organisation Committee (COC). These are proposals of the COC ... You can reject ... bring your own agenda, modify them, adding new items while deleting others; it is completely up to you. (Garang, cited in Rolandsen, 2005: p. 83)

Rolandsen goes on to explain that Garang acknowledged the members of the COC for having organised the convention, but that in reality he was the main actor, decided how the NC would be organised, set the final agenda and had power to make major alterations to proposals from the committee. It is true that the COC was constituted by senior SPLM/A officers, suggesting that their decisions had a measure of authority, but the truth is that the final decision making and power rested with one 'Big man', Garang, and not the COC. The manner in which the agenda for the National Convention was developed and presented by Rolandsen illustrates the way in which the COC could influence the planning process, but was unable to monopolise it (p. 96). Moreover, it is uncertain how members were selected, but the list of their names was arranged by rank and was gender-biased, drawing attention to the hierarchy dominating the meeting and the gendered nature of this political institution. This is noted by Rolandsen in another critical interpretation of the preparation for NC:

The elite nature of the SPLM/A leadership and the lack of communication facilities seem to have excluded most ordinary members, as well as the people of the Southern Sudan at large, from contributing to the planning of the NC (p. 92).

Based on that, it is likely that junior members and women in particular, were constrained in participating effectively in the deliberations and planning for future



SPLM/A activities. It is in such a context that backing from key actors is crucially important if the women's agenda is to be considered. Although it might be asserted that both junior male members and women suffered exclusion, I argue that women were more affected because of structural discrimination and the institutional masculinist environment. Their physical presence in the convention, while limited, was a necessary step not only to interrupt the institutional culture, but to ensure that their concerns and demands for political inclusion found voice and were integrated into future plans. Whilst information on the active participation of other senior leaders is not available, Rolandsen notes that Salva Kiir (the current President of South Sudan, then second-in-command), made a major contribution during the NC debates and planning. This claim can be extended to suggest that his presence in the inner circle might have shaped his gender ideology and his commitment to continue supporting the adoption and implementation of quotas in South Sudan.

Rolandsen goes on to explain that the COC had proposed 13 agenda items focusing on the SPLM/A as an organisation, but that the final version had 18 agenda items. The five new items were added by Garang to broaden the scope and include the participation of women in the liberation. This means that Garang sought to be more inclusive and gender-responsive for the betterment of the whole population (men and women, junior and senior) rather than a small group of individuals:

A closer look at the agenda signed by Garang on 30 August reveals that, unlike the Convention Organization Committee's version, it appeared more suitable for a convention for the people as a whole than the Movement. (Rolandsen 2005: p. 96)

While Garang's ability to manipulate and influence unpopular decisions in the political sphere indicates the impact of informal rules and norms on political institutions, I argue that these informal norms are significant in the present context. They provided an alternative route (Helmke and Levitsky 2004) in a situation where formal inclusion of women in the agenda of SPLM/A was doubtful. The promotion of the women's agenda by Big Man Garang was a step forward, setting the foundation for the recognition of women's representation in the political sphere.

## Women's voices in the first SPLM/A National Convention

When women were given time to share their stories in the NC, they described the workload created by war, sexual violence, ambush and displacement. Alongside recognition of their suffering, they demanded equitable representation in decision-making structures on the grounds of their contribution to the cause of liberation. Reflecting upon those times, respondent candidate 2, who was the only female SPLM/A Commissioner then, stressed that women wanted to participate at the negotiating table to ensure that their concerns for ending the war were taken on board, suggesting the significance of trust built on women representing women's issues:

We told our leader Garang that we were overburdened by the civil war. Military recruitment had twisted cultural practices to free men from their customary obligations. We were breadwinners, fighters and carers of the orphans and wounded ones. In some places women were forced to flee from their homes because of war and atrocities committed. We wanted to take part in the negotiations to end the war.<sup>55</sup>

SPLM/A leaders, for their part, acknowledged that women needed to be protected from the physical risks associated with conflict, but that they also needed to be involved in decision making on matters affecting their lives. Accordingly, the NC recognised that women were the 'marginalised of the marginalised', and had been neglected in many fields including the Liberation Movement (see also Garang's speech 2005: p. 2).<sup>56</sup> It appointed 23 women to the movement's National Liberation Council and directed SPLM/A to take positive measures (affirmative action) for full liberation, development and empowerment. It also directed women to formally organise and establish women's organisations at all levels, linking internationally and

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<sup>55</sup> Research interview 2 with candidate, 27 December 2010.

<sup>56</sup> Garang's speech on the signing of the CPA. Available from [www.splmtoday.com/.../statements%20and%20speeches/2005%20Garang%20Speech%20CPA%20Signing%20Ceremony.pdf](http://www.splmtoday.com/.../statements%20and%20speeches/2005%20Garang%20Speech%20CPA%20Signing%20Ceremony.pdf). Accessed 10 September 2011.

participating in international women's activities (SPLM/A First National Convention, Res. 16: 1994).<sup>57</sup>

Furthermore, Garang sought to incorporate women more formally into the resistance movement. As stated in chapter five, Garang formed a Women's Battalion in 1984 through which women were recruited directly into the SPLA (Beswick 2010; New Sudan Women's Federation, in Fitzgerald 2002). At this juncture, it was agreed to involve women as equal partners in leadership through adopting a quota system in the SPLM/A Manifesto. However, the idea of 25 per cent quotas faced resistance when it was first introduced into the SPLM/A constitution. There were some conservative men who opposed quotas, stressing that:

Women's place is in the kitchen, what could they do in politics? Why do you want to give them 25 per cent, what did they do when we were fighting in the bush?<sup>58</sup>

Most men who opposed quotas did so on the grounds that it was an undemocratic measure favouring women. They emphasised that women and men should compete on equal terms and should gain office on merit. Some men in the movement said that women would be lazy, waiting for easy-to-take seats, or would strive to get into politics simply on the strength or weakness of being a woman.<sup>59</sup> Despite resistance from some groups, quotas policy was adopted by SPLM/A with the strong back-up and championing of Big Man Garang. The support of a powerful male ally in challenging patriarchal ideas and gendered resistance presenting women as unfit for public office was acknowledged by respondent candidate 4:

If it was not for Garang's efforts, our male-dominance culture would not have allowed us to be here. Even my own clan used to say that women are not supposed to

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<sup>57</sup> SPLM/A, Res. 16, June 1994. Women's participation in the liberation struggles: 'First National Convention: Resolution, Appointments and Protocol'. Available from <<http://sudanarchive.net/cgi-bin/pageesso? a=pdf& d=Dn1d221& dl=1& sim=Screen2Image>>. Accessed 28 December 2011.

<sup>58</sup> Research interview 11 with key actor, 25 November 2010. The key actor was a ROSS Minister for Parliamentary Affairs, and former Minister for Legal Affairs and Constitutional Development (MoLACD); also Chairperson of the Drafting Committees for the CPA (2005), INC (2005), ICSS (2005), Elections Act (2008), Referendum Act (2009).

<sup>59</sup> Research interview 1 with candidate, 15 August 2010.

shout and talk like men. We should sit home and wait for the men to provide for our needs ... Today, if you go to Yambio, you will hear people saying “*Khamsa wa ishirini oyeee*” (“25 per cent, hurrah!”), meaning that 25 per cent has brought freedom to women to participate in politics with men.<sup>60</sup>

Women were officially represented in the movement through the SPLM/A’s Secretariat for Women, Gender and Child Welfare, and the Department for Women’s Affairs (later Family Affairs). From 1994 onwards SPLM/A, which espoused positive discrimination measures for women, decided to strengthen its Family Affairs department, which organised capacity-building workshops and conferences on peace, women’s rights and empowerment. With further lobbying by women’s activists, the first SPLM/A Women’s Conference was organised in August 1998 and brought together more than 700 women leaders and grassroots organisations (Fitzgerald 2002: pp. 20–21; interviews with women MPs).<sup>61</sup> The conference highlighted the need to improve the status of women and girls, increase representation in decision making and share information and experiences, and developed a women’s agenda for peace. Over time, more organisations were established and participated actively in national and international activities on women’s empowerment, peace building and negotiation, with support from the international community and from women activists based in Kenya (see chapter five). For example, Sudanese Women’s Association Network in Nairobi (SWAN) at one point had about 800 women members in six Kenyan towns, whereby it mobilised and built their capacity in organisation, participation and negotiation (Faria 2011). Many women gained new ideas for political inclusion and best practice while in exile, and applied such strategies to their constitution and elections law, as stated here by the respondent candidate 7:

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<sup>60</sup> Research interview 4 with candidate, 12 October 2010.

<sup>61</sup> Confirmed in research interviews 1, 2, 7 and 4 with candidates.

After participating in big conferences such as the Nairobi Forward Looking Strategies Conference (2000) and the Sudan National Women's Convention in Uganda (2002) and seeing how other women speak, we were enlightened.<sup>62</sup>

Respondent candidate 7's emphasis indicates the significance of international and regional norms, as well as transnational and cross-border sharing programmes (see chapter two) in creating awareness and providing women with experience and knowledge of quotas. In particular, the need for women's representation and the adoption of gender quotas did not end in the conferences, but continued at national level by way of demands to actors to enshrine representation and quotas in the legal framework. Over time the SPLM/A reaffirmed gender quotas at different events, making it known and reinforcing it as part of its policy. Examples include the Conference on Civil Society and the organisation of the Civil Authority held in New Kush (30 April–4 May 1996); the Stakeholders' workshop on the status of women in the New Sudan held in Lenana House, Nairobi (29–30 November 2001); and in the directives to SPLM/A organs of administration in 2000 (Fitzgerald 2002;<sup>63</sup> DATO Report 2001).<sup>64</sup> During that time Garang clearly reaffirmed the need to involve women in the decision-making processes of socio-economic and political development programmes (Itto 2006). He reiterated his position on supporting women because he believed that a nation can be built by both men and women, and that women had contributed greatly to nation-building and family-caring during the war. Garang's ideological position and influence were paramount in promoting and addressing gender issues in South Sudan, as evoked by Garang's widow Madame Rebecca de Mabior during Garang's burial:

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<sup>62</sup> Research interview 7 with candidate, 8 November 2010.

<sup>63</sup> Cited from Thiik in the report on 'Woman and Child Rights'.

<sup>64</sup> Development Assistance Technical Office (DATO), in Collaboration with the Women and Natural Resources Working Group Report (2001). Available from < [http://www.usaid.gov/locations/sub-Saharan\\_africa/sudan/womenworkshop.doc](http://www.usaid.gov/locations/sub-Saharan_africa/sudan/womenworkshop.doc)>. Accessed 10 June 2011.

The vision must live on, peace must prevail. We must implement the CPA together with women ... The legacy of Dr Garang was to fight for the rights of women and the children ... (Rebecca Garang, cited in UNIFEM 2005: p. 10)<sup>65</sup>

Meanwhile, gendered power relations continued in the SPLM/A despite the commitment to integrate women in decision-making structures. A commitment to quota was not yet institutionalised in terms of guidelines, selection or appointment procedures; hence there were insufficient grounds to hold the SPLM/A accountable. A few women were appointed as officers but had limited access to, and control over, resources. Despite the commitment to quotas, findings from my case study indicate that representation was undermined by actors' prejudice. Some interviewees said that a 25 per cent quota was not achieved in the military and other occupations because there were no qualified women. Others said that there were sufficient numbers of qualified women, but they were often overlooked because of the militaristic culture. For instance, the first group of women to join SPLM/A were students from the University of Juba, followed by women from both urban and rural areas in South Sudan.<sup>66</sup> As indicated in chapter five, these women were from diverse backgrounds, education levels and professions including teachers and nurses. Some occupied different ranks in the military forces; some became officers, while others were administrators. Yet in this aspect, they were absent in decision making positions. The under-representation in decision making, I would argue, is because of the gendered regime, the elite's prejudice and structural discrimination.

Some interviewees argued that the SPLM/A itself, as a formal institution, had embraced informal rules and norms which divided powers and responsibilities

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<sup>65</sup> Dr John Garang, the SPLM Chairperson and First Vice-President of Sudan, tragically died in a plane crash in August 2005, after the signing of the CPA in January 2005. He was a strong advocate for women's participation and economic empowerment, and expressed this commitment to women during the Yei Women's Conference, March 2005, Oslo Gender Symposium, 10 April 2005, and the New Site Women's Leadership Training, 7 July 2005. The SPLM Party Constitution has 25% affirmative action.

<sup>66</sup> This statement was confirmed in research interview 3 with candidate, 23 October 2010. The candidate was one of the university students who joined the liberation movement.

between certain groups unevenly.<sup>67</sup> Political discrimination and ethnic politics were commonly practised in the movement. As Rolandsen (2005) has argued, there were limited or no formal checks on Garang's power as the Chairman and Commander-in-Chief of SPLM/A, as policy and administrative issues were centralised to just a few individuals. The gap between policy commitment and practice – partial or non-compliance – suggests that women's entry to a male domain is not always easy, as argued by Lovenduski (2005), because of the deeply embedded culture of masculinity and gendered resistance that permeates political institutions.

Evidence provided in this section shows that claims for gender quotas were built on grounds of justice, fairness, and interest (see chapter two). Many believed that women's concerns were included in the SPLM/A plans, yet they were left out of decision-making structures. Thus, compensatory measures were indispensable, not only to increase women's presence, but to recognise the legacy of women in war. Quotas were also opposed by a few members on grounds of merit, and traditional perceptions about the role of women. The evidence also draws attention to the claim that women's issues need to be represented by women. There was 'mistrust' (Mansbridge 1999: p. 626) that women's concerns about the impact of war and demands for cessation of hostilities were inadequately and insufficiently communicated in the male-dominated political arena. They wanted to be present in the negotiating table to ensure their voices and concerns are deliberated. Yet their inclusion points to the continued old practices, suggesting that women's engagement with politics occurs within a well-built set of institutions including beliefs, values and gendered norms. In most cases, however, the institutions adjusted to accept women as 'newcomers' in politics, while maintaining the old culture and norms in organising activities. To further an understanding of women's inclusion in political institutions and institutional change, the next section examines the formal adoption of quotas.

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<sup>67</sup> Research interview 9 with respondent, 30 April 2011; Research discussion 1 with group, 30 April 2011.

## **The politics of gender quotas in the CPA, legal frameworks and policies**

### *Gender quotas in the CPA*

As mentioned earlier, gender rights and women's representation were recognised in the SPLM manifesto, but women remained under-represented within decision-making structures. In 1997, some women intensified their determination to overcome the social, cultural and religious barriers that prevented access to, and inclusion in, peace talks and politics. They developed a strong and critical discourse, persuading Garang to add two women to the 10-man delegation. They were Dr Sitouna Abdulla, the SPLM Commissioner for the Secretariat for Women's Affairs and Child Welfare, and Agnes Kwaje Lasuba.<sup>68</sup> The two women, according to Itto (2006) lobbied the SPLM/A to nominate more women, resulting in a total of six women who joined the team of 18 men as members of the delegation to Machakos in peace negotiations (Itto 2006).

The six women participated in peace meetings, while collaborating with other women's networks, but the elite nature of the negotiating team, and the organisation of meetings, spoke of informal practices and a gendered dimension. The practices were exclusionary, constraining women's effective participation. Itto (2006: p. 58) contends that women were often co-opted into these delegations at short notice, with insufficient time and opportunity to consult with each other or women's groups on a common agenda. She goes on to explain that women were 'ill-prepared for debates with seasoned politicians who would ridicule anyone who dared to spend much time on gender issues'. Recalling how the proposal to integrate 25 per cent quotas into all decision-making structures was scorned, Itto states: "One senior male member of the SPLM/A laughed and asked where the women would be found to fill these positions?" (p. 58). This was indeed gendered discrimination, because the country had been in civil war for 21 years and both men and women had limited or no access

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<sup>68</sup>After the CPA, H.E Agnes Lasuba was nominated as an MP in the SSLA, and then appointed chairperson of the parliamentary committee on regional and international cooperation. She is currently the Minister for Gender, Child and Social Welfare.



to education. Men opposing quotas on grounds of merit and leadership skills were doing so to justify their dominance in power and sustain past discrimination. The gendered resistance and competing debates were mainly from members of the peace negotiating team, the NCP, but there was also resistance from the SPLM/A (see also Fitzgerald *forthcoming*).

Findings from this study show that the quota policy was opposed by men with traditional views about gender relations, those who still believed that ‘women’s place is in the kitchen ...’<sup>69</sup> In the context of powerful informal rules and norms about gender roles, support for quotas was undermined. During the negotiations, the original target of 25 per cent was reduced to 5 per cent, before being raised to 10 per cent. Finally the proposal was dropped from the agenda altogether in the final peace agreement:

The 25 per cent quota was eventually accepted in the larger group, where there were at least three women, but then the all-male SPLM/A drafting committee reduced this figure to 5 per cent. The SPLM/A Chairman raised this to 10 per cent as a compromise. Later on we learned that it had been dropped altogether when government (NCP) negotiators<sup>70</sup> refused a quota for women in power sharing on the grounds that they had not been fighting women. (Itto 2006: p. 58)

In the formal peace process, all women and CSOs were sidelined, resulting in the first draft overlooking the gender dimension, particularly the role of women in the peace process and post-conflict reconstruction (Itto 2006; see also chapter five; interviews with women MPs).<sup>71</sup> Both *IRIN News* (2005) and UNIFEM (2005) mention that women were excluded from the formal peace process. Faria (2011) and Beswick (2010) note that there was obvious exclusion of women in the negotiating team, and indirect exclusion of CSOs and NGOs which were mainly working on peace, gender equality and women’s rights. The CPA overlooked gender quotas in power sharing, but acknowledged human rights, gender equality, and involvement in

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<sup>69</sup> Research interview 4 with candidate, 12 October 2010.

<sup>70</sup> The government negotiators in this case mean the Government of Sudan under the NCP Party.

<sup>71</sup> Research interview 3 with candidate, 23 October 2010; research interview 7 with candidate, 8 November 2010.

post-conflict institution-building. Although the 25 per cent quota failed to make the final peace agreement, the groundwork had been laid for future progress and the eventual success of the 25 per cent quota. Further lobbying by women's groups and their allies from international organisations succeeded in getting included in the final CPA (2005: p. 16), the conditions for equality in elections, recognising "every citizen's right and opportunity, without discrimination and unreasonable restrictions, to vote and to be elected".

### **The politics of gender quotas within the legal framework**

After the final CPA (2005) had adopted the conditions for equality in elections, the work ahead for women was to ensure their translation into practice. Political commitment and actors' interests were also important to getting gender quotas formally enshrined in the legal framework. In this section, I illustrate the significance of party ideology and the political commitment of key actors, then show women's organising strategies and the politics of quotas in the context of crafting the constitution. The CPA was signed on 9 January 2005. In his opening remarks Garang stated that:

Women in Sudan, as everywhere in the world, are the marginalized of the marginalized, whose suffering goes beyond description. The Sudanese rural woman, for example, gets up at five o'clock in the morning to walk five kilometres just to get five gallons of water after five hours' walk, spends another five hours working on the family farm and five more hours making the family meal and then she goes to sleep. (Speech by Dr John Garang, delivered during the signing of the CPA, January 2005: p. 2)

Garang's speech explicitly recognises gender roles, division of labour, women's workload and their contribution to nation-building. By acknowledging that women are the 'marginalised of the marginalised', he demonstrates an understanding of the differential impact of institutional structures, socio-cultural and customary practices on men and women, but that women are more affected. By recognising women in the defining moment of the CPA, Garang highlights the democratic nature of the country

and agrees in principle that women's representation is necessary not only for justice and fairness, but also as recompense for historical discrimination and suffering. He emphasises the value of involving women in post-conflict reconstruction and decision making in terms of the legitimacy of democracy and as a way of ensuring that the CPA is widely disseminated among local communities. The SPLM Party's ideological position and government commitment were an important impetus for adoption of quotas.

Political commitment provided women's organisations and their allies with significant resources with which to influence quotas and women's representation. They used different opportunities and strategies, such as getting the donor community to influence the government to engage women in post-conflict reconstruction. Women's organisations put together and participated in key conferences such as the January 2005 Conference on Sudanese Women and the Peace Process. According to UNIFEM (2005) one of the key speakers, and a signatory of the CPA, was Ms Hilde Johnson, at that time the Norwegian Minister for International Development. In her opening remarks she stated that although men had dominated both the war and the peace negotiations in Sudan, the role of Sudanese women during that time, and their impact on the peace negotiations should not be underestimated, albeit their contribution was usually of a more informal nature. She called for women's inclusion as a prerequisite for successful implementation of the CPA (UNIFEM 2005: 10).<sup>72</sup> Being one of the signatories to the CPA, representing the donor and international community, her contribution to the subject of women's inclusion in the implementation of the CPA was remarkable. Being the only woman present at the signing of the CPA, and able to recognise male dominance, Ms Johnson had challenged the gendered institutions, power relations and discriminatory structures. More importantly, reaffirming the value of involving women in the new institutional design and political opportunities set a foundation,

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<sup>72</sup> Ms Hilde F. Johnson was the only woman at the table. Seven years prior to the signing of the CPA, Norway had been involved in the peace negotiations between the SPLM/A and the Government of Sudan.

committing the elites to adopt quotas and gender-responsive plans. This reinforces the evidence that the international community and external backing influenced the adoption of gender rights and quotas in politically reorganised systems (see chapter two).

The January conference resulted in the organising of a gender symposium on women's rights and leadership in post-conflict Sudan. The symposium was held in Oslo and was followed by a donors' conference, both organised by UNIFEM, NUPI and MFA, on 10 April 2005.<sup>73</sup> During the symposium the South Sudanese women defined their own and their organisations' priorities and formulated proposals for women's empowerment and inclusion in order to achieve a sustainable peace. Two key demands were at least 30 per cent representation in the constitution-making and review processes; and in all other decision-making positions. The outcomes and resolutions of these meetings and conferences contributed greatly to awareness-raising and to the formal adoption of quotas in the legal framework.

In the drafting of the Interim National Constitution (INC) the committee comprised two major parties, the NCP and SPLM, and some political parties from North Sudan. According to interviewees, the process was open neither to democratic participation by all sectors of society, nor to external pressure. The SPLM Party wanted to adopt specific quotas (25 per cent) in the INC, but the NCP Party rejected that outright, to preserve customary and cultural practices, as one of my interviewees commented:

The 25 per cent quota was resisted in the INC because our sisters and political elites from the Sudan thought that South Sudanese were doing things against an Islamic approach.<sup>74</sup>

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<sup>73</sup> MFA (Norwegian Ministry of Foreign Affairs); NUPI (Norwegian Institute of International Affairs).

<sup>74</sup> Research interview 7 with candidate, 8 November 2010. This statement is echoed by other interviewees and constitution drafters: research interviews 1, 5 and 11 with candidates (see also chapter seven in this thesis).

Others opposed quotas on the basis that the idea originated from the SPLM Party, and that the intention was to appeal to the general public that it was an inclusive party, rather than to address the under-representation of women. One interviewee described to me how quotas were opposed strongly by one of the prominent female members of the NCP Party:

She stood up and said: ‘We know what our rights are and when to take them. You men shall not tell us what to do’ ... We were all surprised to see a woman opposing quota?? <sup>75</sup>

Some male members within the SPLM Party criticised their party for allocating a higher proportion of seats to women, and reportedly complained that the SPLM Party had “given women too much ... 25 per cent representation”. <sup>76</sup> The resistance to specific quota measures has also been noted by Itto:

The NCP including its women leaders opposed both a quota for women in the government and the UN Convention on the Elimination of All Forms of Discrimination against Women. Instead they preferred ‘women’s empowerment’, a vague term which does not effectively tackle the issues of rights and freedoms (Itto 2006: p. 59)

Findings from my case study indicate that adoption of quotas in the INC was supported and opposed by both men and women, and there were competing interests and power differentials, in line with the broader literature (see chapter two). Many were sceptical about the implementation modalities, arguing that quotas cause actors to practise favouritism, select token women, devalue women’s status or make them ‘lazy’ – waiting for free tickets to the Parliament. <sup>77</sup> Given the fact that the majority of the committee members were from the Sudan, the idea of a ‘specific quota’ was dropped from the INC and the language of ‘affirmative action’ adopted. This means that the INC allowed women’s access to political institutions, but could not guarantee

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<sup>75</sup> Research interview 11 with key actor, 25 November 2010.

<sup>76</sup> Research interview 4 with candidate, 12 October 2010.

<sup>77</sup> Research interview 13 with key player, 10 November 2010 (member of the ICSS drafting committee).

or secure seats for women or commit political institutions to select women. There was an assumption that the specific proportion ‘did not matter’ as long as there were women represented in the various structures.<sup>78</sup>

On the other hand, South Sudanese women were concerned that the affirmative action language, without a specific quota, was insufficient to commit political elites to recruit more women to political office. Besides, the 25 per cent quota had already been adopted by the SPLM/A in the South. Thus, the South Sudanese women’s groups, feminist activists, and their allies from local and international organisations, organised to influence the inclusion of quotas in the drafting of the South Sudan Interim Constitution (ICSS). In principle the ICSS should conform to the INC, but in practice, the South Sudanese technical team attached the 25 per cent quota to the affirmative action language. It was a progressive decision made by the government of South Sudan under the rule of the SPLM Party. This is because gender equality was an important element of SPLM Party ideology, as one member of the ICSS drafting committee says:

As a chairperson of the committees drafting the ICSS, Elections law and Referendum Act, I made sure that the 25 per cent was included ... With these initiatives there are no forces that could overturn the gender quota unless the government is overthrown by coup and another government comes.<sup>79</sup>

The ICSS was drafted through consultative meetings with all political parties from South Sudan, women, youth and religious groups, business and trade unions. There was external support from the international community, both technical and financial, which was also extended to the Transitional Constitution.<sup>80</sup> The composition of the drafting team, and consultative processes undertaken, partly explains why gender quotas were widely disseminated and implemented in the 2010 elections. Findings from my case study show that the SPLM Party, as the founder of the quotas, maintains its commitment to increasing women’s representation.

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<sup>78</sup> Research interview 7 with candidate, 8 November 2010.

<sup>79</sup> Research interview 11 with key actor, 25 November 2010.

<sup>80</sup> South Sudan Technical committee (2011) to review the ICSS (2005).

According to key actor 11, implementation of quotas is crucial for the legitimacy of South Sudan as a democratic country – also, the SPLM acknowledges that women need equitable representation in recognition of their contributions in the struggle for liberation.<sup>81</sup> Key actor 11’s statement is echoed by another respondent, key player 12, from the Ministry of Gender Child and Social Welfare, who said that quota policy is a sustainable measure. She described the 25 per cent quota as being adopted in all ten state constitutions, and there are structures and programmes established to raise consciousness and enhance implementation. She claimed that “Women are now aware of their constitutional rights, and will continue to demand for equitable representation in all decision-making levels.”<sup>82</sup>

Evidence provided in this section has shown that the adoption of gender quotas in the legal framework was not straightforward. Some people supported quotas while others opposed on grounds of fairness, merit, and traditional gender roles and quotas regulations. These arguments are in line with arguments for and against gender quotas presented in chapter two, suggesting that women’s access to political institutions is a continuing struggle. This section has demonstrated the significance of political elites, informal rules and norms in modifying newness that is, integrating specific 25 per cent gender quotas into affirmative action language, an idea which was previously rejected. While enshrining quotas in the constitution gives legal grounds for the continued claim by the women’s movement for gender balance in politics, the observed resistance suggests that adoption of quotas in other laws may continue to encounter resistance, because gender quotas involve distribution of power relations, resources and the reduction of male privileges. To further understand this notion, I explore the formal adoption of quotas in the Elections Act (2008) and the Transitional Constitution of South Sudan (2011), while underlining arguments that are in line with feminist scholars. It will be argued that political will and constitutions are necessary, but not sufficient, factors to ensure the adoption of quota in other laws or implementation in the context of informal rules and norms.

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<sup>81</sup> Research interview 11 with key actor, 25 November 2010.

<sup>82</sup> Research interview 12 with key player, 19 October 2010.

## The politics of gender quotas and the Elections Act

Within the overarching legal framework, gender quotas were adopted into the Elections Act (2008) and other policies. In the discussion of the Draft Bill of the Elections Act in February 2008, there was a debate between the NCP and SPLM parties about the number of seats for geographical constituencies, party lists and reserved quota for women.<sup>83</sup> Due to the heterogeneous nature of the country, the SPLM wanted 50 per cent of the seats to be elected by a PR system, and the remaining 50 per cent to be elected by a majority system. The SPLM also wanted the gender quota to be integrated into candidate party lists. In view of the large number of tribes in South Sudan (at least 200), NCP feared that accepting the SPLM's plan would cause it to lose its majority position in the government. It proposed 40 per cent to be elected from a PR system, 60 per cent from a majority system and reserved seats for women to be established as separate electoral lists (*Sudan Tribune* 2008). Finally, it was decided to allocate 25 per cent of the seats to women-only lists without debarring them from competing in other seats. A mixed electoral system which includes PR was adopted to address the country's history of past discrimination and political environment. These included ethnic variance, marginalisation, border disputes and religious divisions (Gustafson 2010). The introduction of a 25 per cent quota is well-matched with the PR system and constitution.

The 2010 presidential and parliamentary elections were also a moment to place gender quotas on the political agenda. In his campaign, President Salva Kiir Mayardit, the current President of the ROSS and Garang's successor after 2005, described quotas as an important measure to reward women:

The SPLM Party ensured the constitutional responsibility of women in all levels of government and policy making at least to be 25 per cent; that was later adopted in the National Elections Act (2008). I would say with pride that the SPLM was the first political party in the Sudan that introduced a new political vocabulary of 25 per cent quota for women. If elected as President, I will continue to ensure compliance with

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<sup>83</sup> Research interview 11 with key actor, 25 November 2010.



such constitutional obligation. (H.E. Mayardit, President of the ROSS: speech on the launching of SPLM Elections Campaign, 26 February 2010)<sup>84</sup>

Since women form a majority of the population, there was a perception that women's votes were vital for the SPLM Party's victory in the elections.<sup>85</sup> Other opposition parties also declared full support for the 25 per cent gender quotas initiated by the SPLM Party, and proposed to raise the target to 50 per cent.<sup>86</sup> However, findings from the case study indicate that not all opposition parties adopted quotas in their manifestos, despite the directives given by the chairperson of the PPAC. This suggests that gender quotas as new rules and norms remain contested, raising the possibility of ongoing contestations in the implementation process (see chapter seven).

### **Gender quotas in the new constitution and other laws**

Despite the adoption of quotas in the legal framework and Elections Act, gender resistance continued in the review of the ICSS and drafting of the TCSS.<sup>87</sup> In other words, the legacies of old norms and practices, as argued by North (2005) and Lovenduski (2005), continued to influence new institutions towards constraining women's access to politics. The majority of the committee members were key government actors, who were also military commanders who facilitated the transition to civilian government. They maintained tight military-style discipline, raising the possibility of backlash and reassertion of masculinity similar to that observed in the

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<sup>84</sup> President Salva Kiir's Speech on the Launching of SPLM Party Elections Campaign, 26 February 2010. Available from <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/3239/Kiir-Speech-on-Campaign-Launch.aspx>. Accessed 8 December 2012.

<sup>85</sup> Research interview 16 with key player, 29 October 2010.

<sup>86</sup> Sudan Tribune, 30 June 2008. Available from <http://www.sudantribune.com/spip.php?article27706>. Accessed 15 November 2012.

<sup>87</sup> TCSS, available from [http://www.sudantribune.com/IMG/pdf/The\\_Draft\\_Transitional\\_Constitution\\_of\\_the\\_ROSS2-2.pdf](http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf). Accessed 9 January 2013.

drafting of the CPA, INC and Elections Act (2008). Public accounts also show that there were disputes over the way that the constitutional review committee was formulated, resulting in most members from (other) political parties withdrawing from the committee.<sup>88</sup>

In view of that context, the constitutional review process failed to make the process comprehensive, participatory and central for women's groups and activists, for two reasons: firstly, the committee was not inclusive in terms of gender balance, political parties, faith base, women and youth groups. Secondly, the pledge made by the President to increase quotas to 30 per cent representation at decision-making levels was not fulfilled, drawing attention to ways in which gender issues are undermined when concrete support diverges from rhetorical commitments. The proposal to increase quotas to 30 per cent was rejected by the review committee, which stated that:

The existing provision, which provides for at least 25 per cent representation of women in the executive and legislative institutions, does not in the view of the Technical Committee limit the President from appointing more than 25 per cent women to such positions. (Explanatory Report – see Government of Southern Sudan, MLACD 2011: p. 13)<sup>89</sup>

The review committee found it not worthwhile to amend the current provisions of the ICSS. Assiduous lobbying by women's groups and activists generated support from many women MPs and women's caucuses, but without success. The groups had limited access to and control over the political networks which were vital for lobbying. The networks were male-dominated, which made it even more difficult for women's groups and women MPs, without large networks and male allies, to have influence. Equally, the few women who were in the TCSS committee and also executive members were not able to trigger internally generated change.<sup>90</sup> Lack of champions among female executives suggests that they were probably preoccupied

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<sup>88</sup> Explanatory Report – see Government of Southern Sudan, MLACD 2011.

<sup>89</sup> Explanatory Report – see Government of Southern Sudan, MLACD 2011.

<sup>90</sup> Research discussion 5 with group, 5 April 2011.

with other duties, or were hesitant about supporting activism to challenge gendered institutions.<sup>91</sup> This is because in the context of an unfavourable gender regime and patriarchal culture women can be pushed to become observers, or seen as space invaders (Lovenduski (2005) with minimal influence in dominant masculinist structures. While this situation evokes past experience of gender quotas being dropped off the agenda, it reveals the ways in which quotas and gender policies are constrained by institutional environment, past legacies and actors. The comments from the review committee points to the fact that actors, who *work with rules* – whether as rule makers or shapers – control the ways in which institutions create, interpret and implement rules (Lowndes and Roberts 2013).

On another case, both the Transitional Constitution (2011) and the Local Government Act (2009) stipulate that all women and men shall participate at all levels of government as a guiding principle of decentralisation and democratic governance. However, the formalisation of these statutory provisions is still a challenge in most states because of limited resources and capacity on the one hand, and the culture of masculinity on the other. Failure to allocate sufficient resources to equip women with leadership skills, and discounting the 30 per cent quotas, suggests that a gap exists between policy and practice. Certainly, one might argue that the intention to raise the quota to 30 per cent was based on the need to win as many electoral seats as possible, rather than on the political motivation of addressing gendered power relations. This is because the political parties' motivations play a key role in the constitutional design and implementation of gender quotas (Krook 2010; Lovenduski 2005). The reluctance of actors to support quotas reinforces the argument that new institutions embody resistance mechanisms including 'forgetting new institutions and remembering old rules and norms' (Mackay, 2011:184), which can work to lock out gender reforms or to destabilise the advancement of quotas and women's representation.

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<sup>91</sup> E-mail interview 10 with researcher, 26 January 2012.

## **Assessing the adoption of gender quotas**

The case of gender quotas adoption in South Sudan is well made on the past historical discrimination and justice (Mansbridge 1999; Phillips 1995). There is evidence that patriarchal social relations and kinship system made men dominate in the society, and made it illegal for women to participate in public spheres (see chapter five). The 21-year civil war, in particular, disrupted the traditional patriarchal social relations and allowed women to participate in non-traditional roles, including warfare, both in formal and informal sectors. Then, there is a legacy of the past authoritarian regime which exploited the South Sudanese in socio-economic and political spheres and introduced culture and religion which had differential impact on men and women. Women were more affected because of past customary practices and structural discrimination which denied women access to and control over resources and power. The marginalisation resulted in 21-year civil conflict, during which, women were direct victims of violence or indirectly affected by war while searching livelihood for their families and soldiers. The legacies of past discrimination and suppression of women's presence and interests made women potential beneficiaries of gender quotas. This means that gender quotas were adopted to correct the inherent gender imbalance caused by structures and customs (see Mansbridge 2005, 1999: 639). The SPLM/A leadership coupled the struggle for national liberation with women's demands for emancipation and approved their inclusion in decision making.

Another reason for adopting gender quotas is based on the principle of justice and democracy (Mansbridge 1999; Phillips 1995). The SPLM/A wanted to employ distinct and better strategies than those of Sudan in view of the past experiences of political marginalisation. This is reflected in the first National Convention where an agenda for women's participation was included in the liberation, the CPA and election campaign speeches as well as the legal framework. The CPA speech clearly recognises women's roles and commits to include women in decision making not only because it is fair and justice, but in respect of 'de facto legitimacy' of the new democratic government (Mansbridge 1999: p. 628), that is inclusion of women's voices in the deliberations and plans in the reconstruction of a new state. The CPA

paved a way for the adoption of gender equality and quotas measures in the national and state constitutions, electoral law and other policies.

Adoption of quotas was also influenced by women's groups and their allies from international and regional organisations (see chapter five). Women's groups inside and outside South Sudan mobilised and acquired new skills in peace education, and economic development. They attended local and regional training programmes organised by international organisations which enhanced their capacity to demand inclusion in decision making. These initiatives influenced the adoption of gender quotas and are in line with initiatives observed elsewhere (see chapter two).

Building on women's initiatives, there were increased concerns and 'mistrust' (Mansbridge 1999: p. 628), that women's demands to end the war and interests in peace and development were inadequately communicated and represented in the male only arena (SPLM/A movement) and deliberations. Issues such as increased workload and care burden, gender-based violence, and killings of innocent civilians – women and children as a result of war were widespread. Yet, their demands to end the war and cessation of hostilities were not articulated seriously in the male only arenas. They organised themselves and challenged the dominant norms in different ways such as participating in the first National Convention. The National convention recognised women's demand for inclusion in the SPLM/A decision making structures and granted gender quotas as claimed below:

Quota is the result of hard work of women, who sweat for it, some died for it during war. It is our right... Women and men have been fighting together.<sup>92</sup>

The story has revealed, notwithstanding women's presence in the NC, a degree of mistrust between women's groups and political elites. These are significant factors influencing the establishment of quotas (see Lovenduski 2005; Mansbridge 1999; Phillips 1995). Presence of women in the NC and constitution-drafting committees reminded political elites about women's interests, while the existence of mistrust enabled women to build their claims about the essence of women representing

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<sup>92</sup> Research Interview 1 with Candidate, 15.08.2010.

women to ensure that their demands for equitable power sharing were not discounted.

The adoption of quotas is also influenced by informal rules and norms. The informal rules and norms provided alternative norms and practices where the idea of gender quotas was not welcomed by conservative men and women – for instance, in the agenda setting at NC and in the drafting of ICSS. It is apparent that the first SPLM/A convention amended its final agenda to include women’s participation in the liberation. However, the decision was made by one person with additional authority in the SPLM/A outside the formal organising committee (COC). The central control or ‘Big man’ style of leadership (see chapter three) draws attention to the significance of informal rules and norms as a powerful resource for political elites in a time of institutional change.

The story of adoption has revealed key/critical actors and players (see chapters two and four) who championed the idea of quotas and facilitated the adoption of gender quotas policy. There are both supporters and norms reactionaries, and both are important to the story of adoption. Supporters include the SPLM Party elites who added the agenda of women’s participation in the movement, framed ideas to support the agenda and continued to back up quotas in the CPA and legal framework. The norm extremists recognised the language of affirmative action, albeit with some reservations, which made it possible to advance claims for specific quotas.

The adoption of quotas is also influenced by their perceived legitimacy. The expansion of women’s political participation generated different perceptions both positive and negative, tension and backlash from within and outside the SPLM Party. Some party members questioned why women and not poor men should be recompensed with quotas. Others, including party elites and former male combatants, constantly raised questions concerning the division of labour, gender roles and power relations, stating that “during war, we were fighting while women were at home”.<sup>93</sup> Although both men and women were in the theatre of war, warfare was considered

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<sup>93</sup> Research Interview 3 with candidate, 23October 2010.

masculine and men's business as noted elsewhere (Lovenduski 2005), giving prominence to men over women who were undertaking family and household chores in conditions of conflict (see chapter five). Some male party members challenged the value of quotas as well as the legacy and contribution of women to the liberation struggle, while a few questioned the available supply of qualified women. The NCP Party too insisted that they had not been fighting with women and therefore they did not see a reason to distribute resources to, or share power with, women.<sup>94</sup> Others disputed the rationale behind quotas, stressing that it could bring conflicts in the SPLM/A by reducing the seats of potential male candidates. I argue that the different debates and contestations amplify clarity and legitimacy of gender quotas for women's representation, and their implementation in elections. However, the intervention of strong supporters is required to avoid dilution and discounting of the women's agenda for political representation.

The overall process has a gendered dimension in power relations, including the way in which control, authority and force are organised. Although women were given freedom to organise, empower themselves and participate in transnational programmes, the patriarchal social relations and gendered institutions continued to control their activities. New institutions with old rules and norms were not, therefore, fully prepared for their entrance. First, women's groups operated within the framework of SPLM/A bureaucracy, with gendered rules and practices, suggesting a limited autonomy, access to and control over resources, power and information. Second, gender imbalance was reflected in the structure and composition of all teams, from the NC to the peace negotiation and constitutional review committees. The men were mainly senior officers in the army, some of whom had traditional views about gender relations. Their traditional views about a women's place being in the kitchen or the private sphere, and the aggressive nature of the meetings and attitudes, as noted by Itto (2006), continued. So, the legacy of past decisions, gender stereotyping and a patriarchal culture (Acker 1992; Lovenduski 2005) subjugating women, persisted in the new institutions.

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<sup>94</sup> Research interview 11 with key actor, 25 November 2010.

Third, the institutional environments pertaining during the crafting of the CPA and legal framework were unfriendly to women, suggesting the difficulties of institutionalising gender in old and well-established institutions. There are sets of rules and norms which discouraged women. For example, negotiation meetings and committees were coordinated by senior officers, some of whom displayed combative behaviour. The elite nature of the committee and the ridicule directed at women who challenged gendered power relations indicate that the committees' structures and practices were gendered. Most meetings were informally organised, with short notice given to women. In some cases, the informal meetings were scheduled for times when women are engaged in family care responsibilities. This indicates the ways institutions embody sets of gendered practices and norms that preserve the legacy of past discrimination and exclusionary practices (Lovenduski 2005); it also explains how there has been a constant resistance to gender quotas from its inception to formal adoption within the legal framework.

## **Conclusion**

The story of gender quotas in South Sudan indicates that both endogenous and exogenous factors influenced their adoption. Endogenous factors include the legacies of past historical processes, women's movements, state objectives of improving the polity's de facto legitimacy and democracy, and post-conflict opportunities. Exogenous factors include regional and international norms, and pressure from the donor community. The adoption process also highlights the potentially supportive role of key actors, stressing that the authoritative drive and informal rules are significant in the context of a strong patriarchal culture and gendered resistance. The adoption of quotas has challenged the notion that women are unfit for political office and given social significance to the notion of women's ability to rule. The story of adoption has also illustrated the way in which institutional configurations distribute power, but in a dynamic context in which key actors exploit institutional connections both within and outside the political domain.



The chapter demonstrated further the way in which women's organising to influence quotas in the review of constitution encountered gendered resistance, and pointed out the reassertion of particular masculinities. It is within this context that I argue that the adoption of quotas while successful is a fragile and ongoing process, one that is constantly challenged and contested, and that is shaped, enabled or constrained by political elites, past legacies and institutional environment.

The next chapter presents findings of an in-depth story of the implementation of gender quotas in South Sudan. It explores processes and rules-in-use employed during the first South Sudanese elections in April 2010, drawing attention to the ways in which legacies of past decisions and norms continue to interact with new institutions in shaping the interests and strategies of political actors.

## **Chapter Seven: The Story of Gender Quotas Implementation**

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This chapter tells the story of the implementation of gender quotas in South Sudan. It identifies key actors and provides a detailed account of the institutional environment, while drawing attention to the processes and practices used in candidate recruitment. The chapter goes beyond simply ‘chronicling’ the facts (Yin 2004: p. 205) and identifies the emergence of rules-in-use and norms employed in the run-up to the 2010 elections. In so doing, it contributes to an understanding of the implementation of gender quotas in post-conflict countries and gendered institutions, and provides evidence that underpins the significance of rules-in-use and informal norms. The chapter argues that institutions of political recruitment are gendered, implying that they embody a set of processes, practices and norms which prescribe a certain brand of masculinity and proscribe a certain brand of femininity. The processes embed formal and informal rules which interact with gender quotas to mediate the outcomes in terms of women’s political representation.

In this chapter I ask: What are the implementation processes? What exogenous and endogenous factors contribute to the successful implementation of quotas? What supportive and unsupportive roles do political parties’ actors play in the recruitment of candidates? Which specific set of formal rules and informal norms, including rules-in-use, play out in the particular context of South Sudan? There are three main sections. Section one explores the institutional environment including actors and recruitment structures. Section two tells the story of implementation processes sequentially. It reconstructs the sequence of events in the SPLM Party candidate selection process, while giving voice to the concerns of women. Section three analyses the overall implementation and points out factors contributing to successful implementation. It also draws attention to the complexity of quota implementation and reform in the context of informal rules and norms.

## Introducing the institutional environment

### *Exogenous and endogenous factors*

As described earlier, in chapter five, the transition government brought with it new expectations, opportunities and challenges with regard to gender quotas and women's political representation. The CPA adopted conditions for gender equality in elections which conformed to UNSCR 1325 on Women, Peace and Security, passed in 2000.<sup>95</sup> The resolution was particularly beneficial for South Sudan in terms of developing her gender equality policies and upholding women's political representation during the Interim Period.<sup>96</sup> During that period, South Sudan was under the Republic Government of Sudan, which has penal codes under *Sharia* law. Accordingly, Sudan is yet (at the time of writing) to ratify the CEDAW and the Optional Protocol of the African Charter on Women's Rights. It is argued that the ratification of the conventions on women's rights would contradict *Sharia* law by giving women greater freedom of movement and participation in the public sphere (see for example MWC 2010; chapters five and six).

As the principal legal instrument galvanising women's roles in armed conflicts and reconstruction periods, UNSCR 1325 helped to create a framework of accountability at the highest levels of peace and security decision making in the international community, in order to support countries in realising its implementation. Furthermore, the global commitment to promoting women's participation in post-conflict reconstruction is underpinned by UNSCR 1996 (2011), which established the UN Mission of the Republic of South Sudan (UNMISS). Drawing on its resolutions on women, peace, and security, UNSCR 1325 reaffirmed the importance of appropriate gender expertise in the Mission.<sup>97</sup>

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<sup>95</sup> UNSCR 1325: available from <[http://www.un.org/events/res\\_1325e.pdf](http://www.un.org/events/res_1325e.pdf)>. Accessed 15 January 2011.

<sup>96</sup> During the transition period the Government of Southern Sudan (GOSS) was under the Government of National Unity (GoNU), Sudan.

<sup>97</sup> See Article 3 a (ii), 11 and 12 of UNSCR 1996, adopted by the Security Council at its 6576<sup>th</sup> meeting on 8 July 2011. Available from:

At the national level, various opportunities such as the resumption of multi-party democracy and political structures were established, in order to promote and maintain peace and security. These included the South Sudan Peace Commission (SSPC) which was later transformed into a fully-fledged Ministry of Peace after the 2010 elections, and peace committees in all ten states comprising traditional leaders, women and youth groups. The SSPC has a directorate of gender with responsibility for consolidating the CPA in relation to the rights of women. It builds capacity in youth and women's groups, and amongst traditional and customary religious leaders on the role of women in peace reconstruction processes, as enshrined in the legal framework, UNSCR 1325, and 25 per cent gender quotas.

Other structures established along these lines, which influenced the implementation of quotas, include the Ministry of Gender Child and Social Welfare, the women's caucus and the mixed electoral system. On electoral design, the mixed electoral system allowed women to compete for places on the women's and party lists and to contest geographical seats. Both women's list and party list were subject to a PR system. The significance of a closed-list PR system is that it reduces the risks of preferential voting and increases the number of women elected, because the electorate votes for parties rather than candidates (see chapters two and five).

With regard to women's machineries as discussed in chapter five, there were national and state level Ministries of Gender, Child and Social Welfare. The various structures employed diverse strategies and approaches for facilitating women's democratic inclusion towards the 2010 elections. The Ministry of Gender collaborated with governmental and non-governmental institutions to disseminate information and popular materials through print and electronic media. The Ministry organised women's forums, and worked with the women's caucus to challenge quota policy gaps, gendered rules and norms which could undermine the success of quotas in the 2010 elections.<sup>98</sup> Simultaneously, the women's caucus liaised with women

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<<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SRES%201996.pdf>>. Accessed 15 January 2011.

<sup>98</sup> Research interview 17 with candidate, 10 June 2011.

activists working inside and outside the parties in critiquing and analysing Elections Act (2008) provisions for gender sensitivity, and framed a unified approach to women's demands in the context of elections and institutional development. The caucus supported other states' legislative assemblies in establishing their own caucuses which all lobbied to ensure that quotas were an integral part of candidate selection in the run-up to the 2010 elections.<sup>99</sup>

Women organised in order to influence the first elections in different ways. According to interviewees, exiled women who had been influenced by feminism abroad returned and joined local women organisations in sensitisation programmes (see chapters five and six). They raised awareness about women's political representation and its provisions in the Elections Act (2008), and lobbied their parties to adopt a 25 per cent quota in their manifestos, as well as to nominate more women for party lists and geographical seats. Women questioned the degree of male dominance in political structures and some hidden expectations and rules. They exposed gender-biased criteria, offensive language, intimidation and threats to women running for mainstream seats in politics.<sup>100</sup> Discussion and awareness of these issues helped to alert female candidates to the need to re-strategise and achieve quota targets.<sup>101</sup> The collective initiatives of NGOs, CSOs, faith-based organisations,<sup>102</sup> UN agencies and political parties providing support in the electoral and bureaucratic arenas, resulted in the implementation of gender quotas (see also USAID Report 2008; interviews).<sup>103</sup> This implies that the implementation of quotas in South Sudan was influenced by an institutional environment that included both external and internal elements.

The next section discusses key players at national and state levels, including electoral bodies and their functions; and political party structures; and elections timeframe. As outlined in chapter one, there are twenty political parties who

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<sup>99</sup> Research Interview 3 with candidate, 23 October 2010.

<sup>100</sup> Research interview 11 with key actor, 25 November 2010.

<sup>101</sup> See details in the Declaration on women's common agenda for 2010 elections.

<sup>102</sup> Research interview 14 with key player, 24 October 2010.

<sup>103</sup> Research interview 15 with key player, 30 October 2010.

participated in the April 2010 elections in South Sudan, with varying sizes of membership (GOSS 2010). Since it is not possible to cover all the parties in this study, I have selected the SPLM Party, which is relatively strong in terms of size of membership compared to others; and is widespread and fairly organised. The SPLM Party is one of the main signatories of the CPA and the current ruling party, with many seats in the parliaments, and the founder of 25 per cent quotas. It maintains its commitment to gender quotas and women's political representation, and has adopted gender-progressive language in its manifesto (2008). Both items 1.2.5 and IV (4 & 5) of the manifesto recognise the 'marginalisation of women' and reaffirm the continuity of quotas to address gender disparity in power relations (SPLM Manifesto 2008: pp. 7, 18).

## **Introducing the political institutions and key players**

### *Central players: Electoral bodies at national and state levels*

The National Elections Commission (NEC) is a national legal body established in 2008 in accordance with the CPA, Interim National Constitution (2005) and Elections Act (2008). It is the highest authority, with a corporate personality and a public seal of its own. The Commission established State High Committees in all ten states of South Sudan (SSHEC). It coordinates activities between itself and the SSHEC. The SSHECs at state level are responsible for organising and conducting the elections in their respective states in accordance with the decisions and directives of the NEC. In the run-up to the April 2010 elections the NEC was composed of nine members, including women at key decision-making levels. However, women's representation in various electoral structures was undermined (see Carter Center 2010: p. 98). The NEC established an elections timetable with activities and a campaign period of 57 days. The process began with determining the geographical constituencies, registration of candidates and announcement of the final lists. This was followed by declaration of candidacies, electoral campaigning, polling, sorting and announcement of results as shown in Table 7.1.

**Table 7.1: National Elections Commission – 2010 elections timeframe**

Date	Election Process	Act
1/11/2009–27/12/2009 (37 days)	Registration period	
10/12/2009	Preliminary publication of the register	
10/12/2009–16/12/2009 (7 days)	Objections to the register	Art. 24 (1)
16/12/2009–20/12/2009 (5 days)	Consideration of objections to the register	Art. 24 (2)
21/12/2009	Publication of amendments to the register	
22/12/2009–5/1/2010 (15 days)	Objections to amendments of register	Art. 24 (23) (A)
6/1/2010–8/1/2010 (3 days)	Consideration of objections to amendments of register	Art. 24 (4)
11/1/2010	Final publication of register	
12/1/2010–27/01/2010 (16 days)	Submission of candidates' applications	
27/1/2010	Closing date of all nominations levels at 6.00 p.m.	
30/1/2010	Publication of candidates' names	
31/1/2010–6/2/2010 (8 days)	Appeals to courts by those whose nominations were rejected	Article 46 (1)
2/2/2010–8/2/2010 (7 days)	Courts' decisions	Article 46 (2)
10/2/2010	Final publication of candidates' names	Article 47
12/2/2010	Last day of withdrawal of nomination at all levels	Articles 49 (1); 61 (1)
13/2/2010–9/4/2010 (57 days)	Period of election campaign	Article 64 (1)
11/4/2010–18/4/2010 (8 days)	Polling, sorting and announcement of results	

Source: NEC website <[http://nec.org.sd/new/new/english/Pdf/t\\_en.pdf](http://nec.org.sd/new/new/english/Pdf/t_en.pdf)>. Accessed 15 January 2011.

### *National- and state-level players: The SPLM Party*

The national organs are the National Convention – the highest organ of the party; the National Liberation Council (NLC) – the second highest organ of the Party; the Political Bureau (PB) – the highest executive organ; and the General Secretariat (including SPLM Chapters). State Organs are the State Congress, State Liberation Council, and State Secretariat. The county organs are the County Congress County, Liberation Council and County Secretariat. At the *payam* level the organs are the Payam Congress, Payam Liberation Council and Payam Secretariat, while in *boma* the organs are the Boma Congress, Boma Liberation Council and Boma Secretariat.<sup>104</sup> Figure 7.1 illustrates the SPLM Party's structure of political recruitment and chains of command from grassroots to national levels.<sup>105 106</sup>

<sup>104</sup> SPLM website, available from <http://www.splmtoday.com/index.php/structure/national-level>. Accessed 15 November 2010.

<sup>105</sup> SPLM structures available from <<http://www.splmtoday.com/index.php/structure>>. Accessed 15 November 2010.





procedures governing party discipline, and meets every four months. Its General Secretariat initiates and implements the policies, programmes, decisions and resolutions of the PB. It is divided into the Northern sector, with thirteen northern states excluding Southern Kordofan, Blue Nile States and the Abyei Area, and the Southern sector with ten southern states. Similarly, the SPLM Parliamentary and Executive Caucuses at all levels of government regularly coordinate and consult with the Secretariats at their respective levels, for guidance and coordination.

In terms of the central SPLM Party, the PB is the central body responsible for drawing up and enforcing party selection rules, in consultation with the SSHEC. The PB retains formal control over rule-making and interpretation, and is specifically responsible for protecting and enforcing the rules and regulations of the candidate selection process. It scrutinises and endorses the final list of SPLM Party candidates at all levels. The SPLM Constitution (2008) provides that the PB can also play a role in the SPLM parliamentary selection contests through the intervention of state legislators, where the incumbent MP is stepping down.

At state level, an Electoral College (EC) was established to coincide with the April 2010 elections to implement rules. Its primary responsibility was to oversee the nomination of candidates, monitor the selection procedures, and review, scrutinise and approve the list from the local level. It met regularly with party leaders and state bodies in order to prepare a timetable for the selection. *Formally*, the initial nominations are made by grassroots leaders from *boma* to *payam* to county levels, confirmed through majority vote, and then submitted to the ECs, but in *practice* some names originated from the ECs, suggesting deviation from formally agreed procedures.<sup>107</sup>

With regard to women's involvement in these structures, evidence from my study indicates that the overall process of decentralisation had a gendered dimension. Women's associations only had eight per cent representation in the ECs, and less than that or none in other local structures (see also Fitzgerald *forthcoming*). It

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<sup>107</sup> Research discussion 2 and 5 with groups, 1 October to 30 November 2010.

appears that gender quotas and women's presence in recruitment structures dropped off the agenda of the SPLM ideology. The SPLM Party report indicates that the reorganisation of the SPLM Women's League (SPLMWL) from the grassroots up to the national level was interrupted before the elections, so as a consequence the Women's League does not exist at present (2013).<sup>108</sup> Limited presence of women in recruitment structures suggests that women's concerns about recruitment processes and their ability to influence decisions were justified. The next section traces the implementation of gender quotas from nomination to elections and the announcement of results, whilst giving expression to women's concerns. As illustrated in chapter six, the 2010 elections were a moment to place gender quotas on the political agenda. It is important, therefore, to examine the translation of policy commitment into practice in order to explain the outcomes of gender quotas.

## Tracing the implementation process

### *Stage One: Decision, nomination, application and registration*

The candidate recruitment process began after completion of the demarcation of geographical constituencies and distribution of seats per state (see chapter five). In the SPLM Party, the Southern Sector formed Electoral Colleges in all ten states as shown in Fig. 7.1. It then prepared terms of reference and procedures for candidate application and nomination, and set standards for candidates. Under the party's secretary-general, the Southern Sector visited all states and briefed party members about electoral application procedures. According to the interviewees in my study, prospective female candidates were expected to be acceptable to and popular in the

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<sup>108</sup> SPLM Party organisational report (March 2010) indicates that the Women's League has the responsibility of building a vibrant women's organisation to ensure representation and participation in all SPLM structures and activities. Available from <http://splmtoday.com/docs/statements%20and%20speeches/2012%2003%20Organizational%20Report%20-%20SG%20Amum%20-%202nd%20NLC%20Meeting.pdf>. Accessed 27 January 2013.

community, loyal to the party and with leadership and public speaking ability. Candidates were also assessed according to their interpersonal relationships, teamwork spirit and experience in the SPLM movement or politics. Although education level and public recognition were significant, famous and committed candidates with the ability to finance party activities had an added advantage. The Southern Sector designed application forms with ten questions, in which the total scores in percentage terms were used to select and rank candidates.

A formal announcement was made in a meeting at the state party headquarters and aspirants were asked to declare their interest in standing for elections within a period of one month. Women aspirants began to take different initiatives in deciding to run for the legislature. Some attended political meetings; others sought information from experienced politicians, organisations and friends, while some discussed resources and family responsibilities with their families. The community-based grassroots, for their part, organised meetings from *boma* to state levels involving chiefs, women's groups and youth in order to identify aspirants. Some female aspirants made their own decisions to run for political office, while others were persuaded by women's groups or their county leaders. Over 90 per cent of interviewees in my study claimed that female candidates were encouraged to run through the reserved quota seats. Respondent candidate 4's situation is typical of most South Sudanese women's introduction to the world of politics:

I was consulted personally by the SPLM Party state leaders. They said that my people from the grassroots nominated me because of my past experience and contribution to the struggles for liberation, and after the CPA. They asked me to express my interest in women's lists.<sup>109</sup>

Meeting the standards of the political elites was significantly important, particularly as most women were running in the elections for the first time. A few aspirants with a long history in the movement and political experience did not need special bargaining power to influence their party leaders. For example, respondent

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<sup>109</sup> Research interview 4 with candidate, 12 October 2010.

candidate 1 already had an extensive political familiarity after being a former state government minister in different sectors including Gender, Child and Social Welfare. During that time she mobilised community and resources for development programmes. She served in the military during the struggle and continues to be supported by high-profile party members, as she told me:

Women's groups and SPLM Party leaders identified and nominated me from the process of grassroots to the state levels to represent them. Then women at the state headquarters wanted me to stand for the position of SS national legislative assembly ... *As a national figure, soldier and senior officer*, I contributed to the struggle. I had a good reputation and did a lot for the Equatorian women.<sup>110</sup>

Others were influenced by friends and relatives to contest the elections because of their educational qualifications and professional experience, which were thought to be significant for nation-building. Some were inspired by women 'role models' who had been in the first assembly after the CPA, while a few, particularly those with postgraduate degrees, wanted to get in politics to challenge the gendered institutions and stigma associated with quota women. Running through reserved quotas was also considered to be relatively easier, with low political risk, in the sense that candidates did not have to mobilise lots of resources to run in elections or compete with male candidates.<sup>111</sup> Respondent candidate 3 is among those candidates who ran in elections through women's lists. She risked her professional career by resigning from her job with a UN agency in order to run for political office. She told me that her experience in the women's programmes had taught her it is important to become an 'insider' to be able to challenge the gendered institutions and informal norms constraining women's access to power and the articulation of their policy concerns while in the assembly:

My main interest was to get into the assembly and voice out the needs of the marginalised women. And I was encouraged by both men and women to run on the

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<sup>110</sup> Research interview 1 with candidate, 15 August 2010. Italics added.

<sup>111</sup> Aspirants working for International organisations/ UN agencies were required to resign from their jobs to avoid conflict of interest. Thus, running for a mainstream seat was seen as a risk-taking decision in the context of informal rules and norms.

geographical seat because of my experience and education. But, since a geographical candidate needs to seek financial support to be able to compete with *those powerful men*, I knew that I could not mobilise my own resources within a short time. So, I opted for the women's list, because I could as well represent the women's needs and challenge the patriarchal social relations.<sup>112</sup>

Others were encouraged by their community leaders to run for mainstream seats after they had proved their leadership capacity as 'quota women' in the first state assembly. Respondent candidate 6 is one of the former members of the state legislative assembly appointed. She describes the decision to run for political office, and the nomination process:

I couldn't go for 25 per cent women's lists because my community in Ibba County asked me to stand for a geographical constituency. Of the three candidates that applied, I was the only female. I scored 96 per cent and became number one after the screening and voting by the Electoral College. The Speaker of the State Assembly was asked to write a recommendation because I was a former member of the State Legislative Assembly.<sup>113</sup>

Other aspirants were encouraged to run for political office after attending campaigns and sensitisation meetings. Many local and international NGOs, agencies and media institutions undertook different programmes to promote women's political representation, which encouraged women to come forward as candidates and voters. The activities were highly important for awareness-raising and sensitisation:

Many conferences and workshops had good slogans such as 'Encourage her and vote for her', which really challenged us to forget about our differences, look at our issues as women and collaborate across party lines.<sup>114</sup>

Indeed, the different civic education and sensitisation programmes not only inspired women, but also transformed their self-esteem and empowered them to take responsibility for building their nation. They believed that democratic change could

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<sup>112</sup> Research interview 3 with candidate, 23 October 2010. Italics added.

<sup>113</sup> Research interview 6 with candidate, 8 October 2010.

<sup>114</sup> Research interview 18 with key actor, 10 November 2010 and 7 June 2011;

be achieved if they participated equally with men, and that the time had come to engage in politics, as rightly remarked by key player 17:

I realised that we had many issues that need to be represented by women themselves. Yet we lacked knowledge, information and confidence. After attending training for local women in Bor, I decided that I would also stand in the elections to serve my people.<sup>115</sup>

Although gender quotas provided an opportunity for women's access to political institutions, not all aspirants were successfully registered on women's lists. Some opted out, and others were swayed to join opposition parties to challenge the SPLM Party candidates:

When I was nominated, my colleague joined the opposition party. The party (----) wanted to use her to de-campaign me and SPLM Party in that county.<sup>116</sup>

Other aspirants were discouraged because the women's list was reorganised in some states to favour party stalwarts with a long political history and community mobilisation record. In the absence of a placement mandate, veterans were ranked at the top of the list and the 'late comers' were put at the bottom, or were told that the list was closed. Re-ranking and rearrangement of the list, on the one hand, caused conflicts and complaints about favouritism and discrimination in respect of certain candidates over others. On the other hand, failure to secure a place in the women's list was a 'good cause' and a 'push factor' for some aspirants to run through party lists and geographical seats as rightly stated here:

I arrived in Torit and found 5 slots for women to go to the SSNLA. Some women had already put forward their names to stand in those positions. So, I didn't want to fight with them for the women's list. I went to register for a geographical constituency as an incumbent.<sup>117</sup>

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<sup>115</sup> Research interview 17 with candidate, 10 June 2011.

<sup>116</sup> Research interview 1 with candidate, 15 August 2010.

<sup>117</sup> Research interview 8 with candidate, 23 October 2010.

Running in the elections through geographical seats and party lists was risky for most aspirants because of limited political experience, actors' expectations of candidates and past history of discrimination. However, a few women aspirants who attempted to run through party lists were successfully elected. For example, Hon. Fozia is a young female graduate, formerly employed by the Ministry of Social Development. Her community asked her to return home and contest the elections. Yet she could not register on the women's list because it was already closed. She submitted her name to the party list, but this too had been closed. In the midst of her despair, a male candidate on the party list stepped down in favour of her, believing that she was well experienced and competent. Fozia resubmitted her application, and was approved by the state EC and PB (Fozia, cited in Fitzgerald *forthcoming*).

In some states with an insufficient number of eligible aspirants, party actors called on their relatives or friends from neighbouring countries, or the diaspora, to register.<sup>118</sup> According to interviewees, aspirants closely affiliated to the EC actors were recruited irrespective of the standards set by the party:

They put their own friends, or people from their own clan. That is why there are people in the assemblies who have no idea about their community's problems. They come to the assembly and keep quiet – no contribution. They don't know how to engage in politics. Yet they claim that they are representing women!!<sup>119</sup>

Aspirants were evaluated by the EC, and then given application forms with ten questions. Each aspirant required at least 50 guarantors to recommend her application. The names of guarantors and the application forms were submitted to the EC. Aspirants with outstanding subscription and membership fees (accumulated arrears) paid their arrears in order to be considered eligible. However, this particular requirement overburdened many female aspirants, as claimed by respondent candidate 4, who paid a total of SDG 2000 (GBP 500). She stressed that "it was not an easy task to raise such an amount of money alone." According to the interviewees,

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<sup>118</sup> Research discussion 2 with groups, 01 October to 30 November 2010.

<sup>119</sup> Research discussion 1 with group, 30 April 2011. The group was asked to comment on gender quotas and the perception of women elected through quotas.

the monthly subscription ranged from 5 per cent to 10 per cent of the gross annual salary for ‘formal working class’ aspirants and 2 per cent for ‘informal working class’ aspirants that included farmers and business people. The membership fee was based on the type, size and amount of income earned. Distinguishing definite social classes can be said to be complex because South Sudanese social classes are in formative stages. Currently, people belong to various social settings, old and new, which cross-cut each other. Consequently, dynamic and flexible criteria are used in this study – ‘formal working class’ refers to aspirants who are officially employed; while ‘informal working class’ refers to unskilled people, peasants and entrepreneurs.

There were no consolidated supports or special funding mechanisms from government, parties or organisations for financing female candidates. This discouraged many women aspirants from coming forward to exercise their citizenship right, as described by an NEC official:

Most women were unable to raise money as candidates for geographical constituencies and governorship. These positions demand a lot of money and most women cannot afford to raise the requisite amounts. For women this leaves only the legislative assembly seats which require 100 Sudanese Pounds (USD 50) which women can afford to raise (Jersa Barsaba, member of NEC, in *GEM News* 2009).

The candidates who made it to the lists obtained some form of loan or financial contribution from their families and communities. Evidence presented in this section shows that the decision to run for reserved quotas seats, nomination and application, were influenced by institutional environment, including political actors, electoral design and legacies of past history of marginalisation and discrimination.

### *Stage Two: Shortlisting of potential candidates*

When registration and application was over, the Electoral College carried out a survey to confirm the credentials of all aspirants. Gender quotas brought many aspirants with different skills, perspectives and experiences. Some had been in the former assembly after the CPA, while others had been in public services or the



private sector. Others had relinquished their jobs to run in elections because of long-standing interest in politics, and hence became more appealing to the party selectors:

I started politics before joining any party while in Juba Day Secondary School. I joined debating clubs – have debated about the government issues since I was 19 years old. As students, we found out about SPLM/A from radio programmes. We were convinced by its ideology and decided to support it from 1993. At that time, I was the first chairlady of the students' association, at the university. We continued to mobilise students to join the movement and vowed to come back to SPLM-controlled areas to contribute to the liberation struggle.<sup>120</sup>

According to the interviewees, this stage had interaction between formal and informal rules and norms of recruitment, because many potential aspirants nominated by the grassroots failed. Formal rules were acknowledged but overlooked, as the EC's officials manipulated the lists by re-ranking and replacement of certain candidates. The emergence of informal rules and practices caused tension between eligibility and electability, as described by one interviewee:

The selection process was supposed to start with nomination at the grassroots level; followed by pre-elections within the party or the primaries ... flag-bearer elected by the community ... But, when the party elects candidates and sends names to the people for voting, it brings conflict and complaints related to friendship, kinship, favouritism – and complaints about the party imposing candidates not wanted by the community. Then again, it influences the community's decision on who to elect.<sup>121</sup>

I think power lies in the Electoral College members – a number of people failed at this process. Also a party member from the county can equally oppose a candidate from his/her county if not qualified.<sup>122</sup>

Evidence illustrating the impact of informal rules and norms on candidate selection will be illustrated later in this chapter. At this point suffice it to say that, in the main, the EC had certain autonomy, and the power to manipulate the selection

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<sup>120</sup> Research interview 3 with candidate, 23 October 2010.

<sup>121</sup> Research interview 3 with candidate, 23 October 2010; Research discussion 5 with groups 20 September 2010.

<sup>122</sup> Research interview 1 with candidate, 15 August 2010.

process even though it was not the final decision-making body. After selection, the EC scrutinised the applications, gave scores in percentages and ranked candidates in the women's lists (top to bottom) according to the total marks of each aspirant:

In the Electoral College, we were screened using variables of education, commitment to SPLM Party by monthly subscription, the number of years in membership and ability to finance campaigns. We were ranked according to our scores.<sup>123</sup>

If you are an active member and pay a regular monthly fee, you score 50 per cent; if you joined SPLM Party in the 'late hours', meaning from 0 to 4 months, you score 0 per cent, and other criteria. When these were added, I scored 97 per cent and became number one in the women's list.<sup>124</sup>

When shortlisting was concluded, the EC submitted the women's list to the PB, comprised of 25 members from the ten states committees. As explained earlier, the PB does not meet regularly or provide substantive input to the selection processes. However, it tampered with the selection by giving advice on which candidate should or should not be selected, and handpicked some candidates (see also EU EOM 2010; *Sudan Tribune* 2010).<sup>125</sup> This means that the interference and manipulation of candidate recruitment was done not only by the local party selectors, but also by the national level party decision makers as elaborated here:

One candidate, who is currently one of the cabinet ministers, was rated low by EC. The PB reviewed the list and ranked his name among the top candidates in the list. He had a long history, experience and contribution in the movement during the war. He was also in charge of logistics. The party felt that he could not be left out. The PB removed from the list a new candidate who had not contributed much in the movement.<sup>126</sup>

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<sup>123</sup> Research interview 3 with candidate, 23 October 2010.

<sup>124</sup> Research interview 1 with candidate, 15 August 2010.

<sup>125</sup> *Sudan Tribune*, 13 January 2010: 'SPLM Political Bureau should not intervene in Eastern Equatoria electoral contest.' Available from <<http://www.sudantribune.com/SPLM-Political-Bureau-should-not,33776>>. Accessed 1 July 2012.

<sup>126</sup> Research interview 8 with candidate, 23 October 2010.

The SPLM PB has obstructed the selection process ... Individuals who were chosen by the grassroots (EC) were replaced by individual preferred by the PB without consulting the grassroots. The decisions of selecting loyalists and long-term servers have become detrimental in some parts of semi-autonomous regions.<sup>127</sup>

The PB reviewed, voted on and selected the candidates and submitted the approved lists to the Southern Sudan High Elections Committee (SSHEC). The SSHEC required candidates to fill in the forms as per the Elections Act (2008), and then submitted these forms to the NEC. The NEC announced the final lists of the approved candidates to start political campaigning in the run-up to the April 2010 elections.

### *Stage Three: Campaigning*

Campaigning was an important activity because in a PR system, the electorate choose between parties rather than individuals. This means that SPLM's women lists were contending with other parties' women lists. Due to limited resources, the SPLM Party candidates running in different seats teamed up and worked together. It was an important strategy to promote gender quotas and deconstruct the attitude about women's participation in politics. Well aware that gender quotas were officially employed in the elections for the first time, female candidates organised massive awareness campaigns and rallies to distribute materials and promote the women's lists. In the campaigns, female candidates introduced themselves to avoid confusion with other parties and increase the chances for the SPLM Party to win more seats. They also marketed their plans in response to the community's concerns, to build trust and social image with regard to quota women's political ability to deliver for their constituencies:

We developed posters with our motto, pictures and the names of six women contesting under SPLM Party women's list ... Of course, each political party

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<sup>127</sup> See also M. Kuir, in *New Sudan Vision*, 19 February 2010: 'SPLM Party SG admitted existence of irregularities in the selection process.' Available from [http://www.newsudanvision.com/index.php?option=com\\_content&view=article&id=2028:the-splm-political-bureau-vs-grassroots-citizens&catid=14:articles-&Itemid=44](http://www.newsudanvision.com/index.php?option=com_content&view=article&id=2028:the-splm-political-bureau-vs-grassroots-citizens&catid=14:articles-&Itemid=44)>. Accessed 4 February 2012.

campaigns using posters showing the names of the women in each list. So, voters knew whom they were voting for in the women's lists.<sup>128</sup>

The campaign materials also carried messages of what the candidates planned to do if elected:

If you choose me, I will represent your voices and bring you feedback from there. I will also stop violence against women, early marriages and bring education.<sup>129</sup>

Others capitalised on the messages that were agreed during the women's conference on a common agenda for elections, held in Juba from 17<sup>th</sup> to 19<sup>th</sup> July 2009. Respondent candidate 8 said that she was always emphasising that politics is not about women and friendship, but is the way in which women use their experiences and time to articulate issues of common policy concerns for the betterment of women and community at large:

I think I was focused and said what people really wanted to hear, I never attacked my opponents in any campaign. I always talked about how we could work together in view of our setbacks. I told them that if I am elected, we will work together to improve our livelihood programmes.<sup>130</sup>

Some campaign and sensitisation materials in both English and Juba Arabic carried messages about women's concerns and issues, stressing that women should be represented by women:

We are women; we know about ourselves ... how we feel and what we want. So, we should talk about our issues in the parliament better than men – Health, Pregnancies, Miscarriage, gender-based violence and Poverty.<sup>131</sup>

In Western Equatoria, for example, the electorate wanted to know what the candidates would do if they returned for a second term. Other electorates were asking whether these female candidates would be able to bring unity and represent voices at

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<sup>128</sup> Research interview 3 with candidate, 23 October 2010.

<sup>129</sup> Research interview 4 with candidate, 12 October 2010.

<sup>130</sup> Research interview 8 with candidate, 23 October 2010.

<sup>131</sup> Slogans developed in the conference for women's common agenda for elections 17–19 July 2009.

the national level, to address the insecurity issues caused by the Lords' Resistance Army (LRA) and its 'rape, killing, and abduction'. Some were concerned whether the candidates would be able to openly fight corruption and improve social services in the state such as hospitals, roads, and clean water. Since these issues were inadequately addressed in the Interim Period, many women's groups wanted to choose vibrant advocates of their policy concerns.<sup>132</sup>

Some candidates who were in the interim government encountered strong resistance for not being able to deliver for women over the past five years:

Of course ... there was stiff competition ... the opposition parties were inciting women to oppose me ... They said that I had been in the SPLM Party for a long time and had not brought any change. They said that, by electing me, the community will not gain anything new.<sup>133</sup>

There were also attempts to divide women according to their diverse identities and varying interests:

Despite my education and experience, my marital status was used to fight me politically. They said that I am married into a different tribe in Western Equatoria State, why do I come back to contest in Central Equatoria State? I told them that this is where I was born, and I have the right to contribute to the development of my county ... They would ask the same question every time ... Anyway, I took this challenge because I wanted to join politics and bring change.<sup>134</sup>

The government issued a code of conduct banning violence and abusive language in the media. However, lack of enforcement mechanisms resulted in a breach of rules, and gendered resistance, as noted by respondent candidate 8:

My opponent was always on the radio talking about me, saying why would they elect a woman; after all, I am a Ugandan not a Sudanese ... I never went outside East Africa during the war, but my opponent was living in Britain. So, people started

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<sup>132</sup> Research interview 4 with candidate, 12 October 2010.

<sup>133</sup> Research interview 1 with candidate, 15 August 2010.

<sup>134</sup> Research interview 3 with candidate, 23 October 2010.

challenging him, saying that he is a Briton, because he was carrying a British Passport. So, why should he be elected?<sup>135</sup>

Female candidates were also constrained by resources. Interviewees from women's organisations and local NGOs said that their organisations were unable to mobilise sufficient resources to back up campaigns for female candidates.<sup>136</sup> Mobilising resources to finance campaigning from external sources was not possible because Article 67 (1–3) of the Elections Act (2008) prohibits candidates and political parties from financing their election campaign activities from donations from foreign countries or external bodies. Consequently, UN Women and its partner agencies could not finance women's campaigns. The agencies provided technical and financial assistance to facilitate the electoral process through direct advisory support to the NEC, and by making available the services of a gender and governance expert (UNDP 2010). The experts' role was to sensitise the NEC and state high elections committees to ensure fair representation of women as voters and candidates.<sup>137</sup>

Financial constraints overburdened many female aspirants: "It was a challenge to me as a woman, with limited resources and without backup from my party."<sup>138</sup> In some rural areas where infrastructure, communication and transport facilities are poor, women campaigned using *Boda Boda* motorcycle taxis as the means of transportation to remote areas.<sup>139</sup> They sent their few representatives to remote and inaccessible areas, used cell phones, and social gatherings like church events and market days, civic education conferences, secondary schools and universities to promote their political agenda and candidates as long as they did not break rules.

The media were used in the campaigns to promote women's representation and gender quotas despite the fact that most candidates were television – or radio – shy. Female candidates organised themselves into groups of experienced and

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<sup>135</sup> Research interview 8 with candidate, 23 October 2010.

<sup>136</sup> Research interviews 16 and 18 with key players, 7 June 2011.

<sup>137</sup> Research interview 15 with key player, 30 October 2010.

<sup>138</sup> Research interview 7 with candidate, 8 November 2010.

<sup>139</sup> Discussion with women's groups and MPs from Jonglei, Central and Western Equatoria States.

inexperienced, and attended media programmes to encourage the electorate to choose them. In other places, women at the grassroots contributed food to feed the youth and other people supporting the campaign.<sup>140</sup> Although it can be argued that this is not exceptional for any under-resourced candidates in African elections, I argue that South Sudanese women were particularly overstrained. This is because the legacies of past patriarchal social relations, informal rules and the gendered regime constraining women's access to politics, resources and power, remained in operation in new institutions. Besides, coming from a 21-year civil war, most women had limited experience, information, communication and networks at their disposal. Other candidates endured the difficulties of balancing childcare and family responsibilities with the requirements of travelling and campaigning:

I had to buy a small car because I could not leave my four-month-old baby girl – I was breastfeeding. I requested my niece who had just finished her secondary school exams to assist.<sup>141</sup>

Moreover some internal rules were subject to random change, and in some cases undermined by older informal rules and norms, entrenched in patronage, class and ethnicity. In practice, such factors exerted a substantial workload on women, and undermined their capacity and ability to campaign for political office.

#### *Stage Four: Elections process*

On Election Day, the turnout of women was higher than for men (54.7 per cent and 45.3 per cent respectively) (EU EON 2010; GOSS 2010; UNDP 2010). The overall feeling and atmosphere was good because many women were participating in the elections as voters or candidates for the first time (see also Carter Center 2010: pp. 105, 121; EU EOM 2010). Many believed that they had exercised their democratic rights and contributed to the new country by electing their representatives. The emergence of women as a political force was a significant factor in achieving the

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<sup>140</sup> Research interview 7 with candidate, 8 November 2010.

<sup>141</sup> Research interview 3 with candidate, 23 October 2010.

gender quotas.<sup>142</sup> However, in some counties there was a reassertion of patriarchal culture and gender stereotype that interfered with the implementation of gender quotas. According to informants in research discussion 3, some men warned their wives “not to vote for feminist activist, ‘noise makers’ or ‘wide mouthed women’ in 25 per cent women’s lists because they will challenge customary practices, such as preventing their daughters from getting married and earning a big number of cows”.<sup>143</sup> Cattle are the main source of wealth in rural areas of some states in South Sudan.

Many voters and female candidates travelled back home to vote in their constituencies. They expressed the importance of being local and known to people:

It was good to be there and see my supporters. I was a national figure ... I had a good reputation and had done a lot for the women of Equatoria.<sup>144</sup>

During the voting process, each voter cast one vote for ‘one women’s list’ of their choice among several women’s lists appearing on the ballot card. The lists contained the 25 per cent of total seats of the legislative assembly concerned. At the end of the voting process, the ballots were counted and tallied. The commission calculated the electoral dividends per party (see chapter five). Finally, the political parties allocated seats to candidates whose names appeared in the lists concerned from ‘top to bottom’ as mandated by the Elections Act (2008).

#### *Stage Five: Elections results*

The overall results indicated that the SPLM Party secured more than 97 per cent of the seats. In Western Equatoria State for example, the SPLM Party had more seats than other political parties:

Our party worked very hard to compete with other parties for 12 seats at the state level. Our party (SPLM) won 10 seats, NCP 1 seat and SANU 1 seat ...<sup>145</sup>

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<sup>142</sup> Research interview 5 with candidate, 12 October 2010.

<sup>143</sup> Research discussion 3 with groups, 15 November – 10 December 2010.

<sup>144</sup> Research interview 1 with candidate, 15 August 2010.



Table 7.2 shows the election results in the national and state assemblies according to party and gender. The target for gender quota was attained in the national and state assemblies, which implies that the quota was an integral factor in the recruitment of female candidates as mandated by Elections Act (2008) and the legal framework. Gender quotas were also achieved in most committees in the national and state assemblies, as Table 7.2 (below) shows.

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<sup>145</sup> Research interview 5 with candidate, 12 October 2010.

**Table 7.2: Numbers of national and state MPs according to party and gender**

Assembly	Total MPs	Party							Gender			Committees				Observations
		SPLM	NCP	IND*	USAP	SANU	UDSF (M)	SPLM-DC	M	F	%	Total	M	F	%	
SSNLA	170	159	1	6				4	114	56	33	18	13	5	25	Female MPs: 1 SPLM-DC & 1 independent
Jonglei State	48	45	1						35	13	27	12	9	3	25	Female MPs: 1 NCP & 1 UDF
Upper Nile	48	40						8	36	12	25	13	11	2	15	Female MPs: 1 NCP & 1 USAP
Unity	48	47	1						36	12	25					Committees not formed as of 20 August 2010
Northern Bahr-el-Ghazal	48	46		2	1		1		36	12	25	13	11	2	15	Female MPs: 1 USAP & 1 UDSF
Western Bahr Ghazal	48	46	1	1					36	13	27	11	9	3	27	
Lakes	48	46		2					35	13	27	15	11	4	27	
Warrap	48	48							36	12	25	14	12	2	14	
Eastern Equatoria	48	44	1	2					35	13	27	10	7	3	30	
Western Equatoria	48	42	1	4		1			35	13	27	9	8	1	11	
Central Equatoria	48	43	1	3					29	18	38	11	6	5	45	Female: 1 NCP & 1 Independent

Source: GOSS Ministry of Parliamentary Affairs 2010

Success of quotas can be attributed partly to the women's movement that established alliances with political institutions, and partly to their allies, from national and international organisations. However, not all political parties benefited from such strategies.<sup>146</sup> Commentators from different NGOs and academic institutions claimed that other parties were generally unsuccessful because of their

<sup>146</sup> Research interview 2 with candidate, 27 December 2010.

limited presence on the ground and insufficient profiling of their candidates.<sup>147</sup> The election results also underlined the tension between malpractices and patronage politics as well as dissatisfaction among candidates:

The method used to select women risks the effectiveness of quotas. If one selected has to be a favourable candidate to make it to the list, then quotas will not be effective. The process has ended up having a husband and a wife in the Assembly ... People from other seats begin to despise them, saying that you are just from the list ... Some women have decided to run for the geographical constituencies in the next elections because of the embarrassment.<sup>148</sup>

A few female aspirants seeking candidacies through geographical seats, party lists, and gubernatorial positions or as independent candidates, scored victories, as one interviewee described: “I was number one from my party (SPLM). I contested with a male candidate from the opposition party (NCP) and won in the geographical seat.”<sup>149</sup> For geographical constituencies, there are six (out of 102) and eleven (out of 290) women in national and state assemblies respectively, while for party lists, there are five (out of 25), and five (out of 70) women in national and state assemblies respectively. On the one hand, women competing with men and winning in the first post-conflict elections suggests that the patriarchal culture that has for a long time deemed women unfit for the public sphere is now changing. It also shows that there is a degree of institutional transformation in institutions of political recruitment. On the other hand, the low proportion of women parliamentarians elected through party lists and geographical seats suggests the existence of numerous norms and institutional barriers undermining women’s access to politics.

Having told the story of implementation from registration to elections, the next section analyses the overall implementation, looking at the factors which have influenced it, and highlighting rules-in-use and informal norms.

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<sup>147</sup> Research discussion 1 with group, 30 April 2011.

<sup>148</sup> Research interview 7 with candidate, 8 November 2010.

<sup>149</sup> Research Interview 6 with candidate, 08 October 2010.

## **Analysing the implementation of gender quotas**

This chapter has told the story of quota implementation sequentially, describing external and internal factors, both enabling and constraining, which are important to the implementation of quotas. These include actors and key players, institutional design, past legacies and rule-in-use. At first glance, findings from the case study confirm trends noted within the wider literature on gender quotas and women's representation in sub-Saharan Africa (Geisler 2004; Goetz and Hassim 2003; Goetz 2010; Tripp *et al.* 2006; Yoon 2010), that gender quotas can be successfully implemented when adopted by the main ruling party. Evidence from my case study indicates that the SPLM Party played a key role in the implementation of gender quotas. As the founder of quota, the SPLM Party included quotas in its manifesto and promoted their implementation during elections. The party set formal rules and standards for candidate selection, and nominated and registered candidates for the women's lists. The party also facilitated campaigning to ensure that women were elected. This implies that political parties' support and commitment to implementing quotas is necessary for successful outcomes.

The implementation of quotas was also influenced by key drivers at regional and international levels, such as the UN, AU and international and regional norms. As a new democratic country, South Sudan complied with the normative standards and included women in decision making to correct past discrimination and enhance its polity's de facto legitimacy (see Krook 2009; Mansbridge 1999; Phillips 1995). The international and regional back-up of quotas from preparation of electoral materials to registration and voting has contributed to implementation and successful outcomes.

On institutional design, findings show that the Elections Act (2008) created an enabling framework of accountability for implementation of gender quotas as per the legal framework and the CPA (2005). Adoption of quotas in the Constitution and Elections Act implies that quotas are mandatory and are provided for in the national regulations of the country. More importantly the quota policy is constructed as reserved quotas, implying that 25 per cent of seats are formally reserved for women. These provisions influence the implementation of quotas by constraining political

behaviour, and oblige parties to include 25 per cent of women as election candidates. The Elections Act includes rules governing quotas such as favourable district magnitude, closed-list PR, positive wording of quota policy, and guidelines for allocating seats to candidates from top to bottom (see chapters five and six).

The story has shown that the electoral design does not confine women to reserved quotas seats. Although that decision minimised conflict within parties, it made political parties concentrate on recruiting women through quota seats, and overlooked institutional environment, political behaviour and the resources required to facilitate campaigning activities. Evidence shows aspirants seeking quota candidacies experienced resource constraints, particularly in the payment of party arrears and for campaigning, pointing up the existence of barriers impeding women's access to politics. The electoral law did not institute oversight mechanisms, quota review or sanctions for non-compliance, resulting in the emergence of informal rules of ranking and placement according to selectors' interests. Standards that privilege certain groups, such as party loyalists, seasoned politicians and veterans, over 'new-timers and late-comers', undermined the effective implementation of gender quotas.

The implementation of quotas is also influenced by past legacies and historical processes which contribute to marginalisation (Mansbridge 1999; Phillips 1995). Evidence shows that women organising for elections and putting pressure on actors to implement quotas was an attempt to challenge patriarchal norms, give social meaning to 'ability of women to rule', and represent women's issues (Mansbridge 1999; Phillips 1995). Formerly, gendered structures considered women less able adequately to represent themselves, and undermined access to and control over resources (see chapter five). The fact that many women participated in elections for the first time, indicates how the past regime narrowly defined women with obligations in terms of 'motherhood and marriage', illegalised their access to power and resources, and undermined their space to redefine their political role. This particular configuration discouraged the articulation of perspectives that advance women's rights, and opportunities for women to develop their capacity to participate in politics. Well aware of this fact, women turned up in numbers, registered for

voting and elected women to achieve the 25 per cent quotas and challenge past discrimination.

Successful implementation was also influenced by past legacies of exclusion in decision making. These legacies continue to operate in the new institutions, by excluding women from the structures of recruitment and from planning processes. Recognising this fact, women mobilised across party lines, and challenged gendered rules and norms to ensure that their parties selected women.<sup>150</sup>

There was mistrust between women's groups and men's groups, in the sense that issues and interests important to women were insufficiently discussed in the male-dominated interim government. For example, the 25 per cent gender quota was dropped from the agenda in both the CPA and Interim National Constitution. Likewise, issues affecting women such as the Lord's Resistance Army attack, gender-based violence, health and economic development, were insufficiently addressed in the Interim Period. Thus, women turned up in big numbers as candidates and voters to ensure more women were elected to articulate women's issues.

Implementation of quota is influenced by rule-in-use and norms – both enabling and constraining. As shown earlier the Elections Act set eligibility criteria, but political parties were responsible for developing their internal rules, standard operating procedures and norms. Gaps in the legislation created a space for the emergence of older informal rules and norms of candidate selection. For example, the Elections Act requires seats to be given to candidates on the women list from top to bottom, yet does not provide guidance on ranking order or review mechanism. This gap interacted with actors' interests to enable the access of certain groups to politics and constrain others as claimed below:

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<sup>150</sup> Research interview 19 with candidate, 10 June 2011.

Internal party politics played a key role in the ranking of candidates. Some candidates in the women and party lists who were in the reserved list were brought to the main list and placed higher.<sup>151</sup>

The re-ranking of candidates and placement of favourable candidates at the top is an illustration of how selectors interrupted the selection process. The story has shown that the selection process was supposed to start at the grassroots level, but that the party established an EC to simplify the selection process. The EC instituted myriad norms and SOPs such as payment of arrears, political experience,<sup>152</sup> partisanship and war record. The standards were gender-biased and institutionally formulated by a male-dominated committee.<sup>153</sup> The standards focused mainly on the roles played by men during wartime – the men who founded the political institutions continued to take on the self-appointed role of recruiting ‘appropriate’ female candidates for the gender quotas seats. The ECs overlooked grassroots choices and give selectors excessive power, resulting in contradiction and double standards:

Internal regulations were left to the local authorities, who manipulated the situation and brought in their people, who were not chosen by the grassroots. This is why many candidates stood as independent candidates.<sup>154</sup>

Female aspirants who joined the party in the ‘late hours’ were viewed as ‘opportunists’: “If you joined SPLM early or late hours, meaning from 0 to 4 months, you scored 0 per cent.”<sup>155</sup> Other informal standards and norms involved issues of identity and interest which invariably divided women (see chapters two and three). Some actors preferred members of the same clan or ethnic group, place of birth or nationality; party loyalists; local women rather than from the diaspora. For example, some qualified and experienced candidates who came forward were discriminated against on the basis of their marital status and regionalisation: “They said that I am

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<sup>151</sup> Research interview 8 with candidate, 23 October 2010.

<sup>152</sup> Research interview 5 with candidate, 12 October 2010.

<sup>153</sup> Research interview 1 with candidate, 15 August 2010.

<sup>154</sup> Research interview 7 with candidate, 8 November 2010.

<sup>155</sup> Research Interview 1 with candidate, 15 November 2010.

married to a different tribe, outside my state;<sup>156</sup> my opponent asked the community why they would elect a woman; after all, I am a Ugandan, not a Sudanese.”<sup>157</sup>

Although it can be argued that questioning nationality is a classic tactic in contesting candidates' eligibility, I argue that nationality in this context is used to discriminate against female candidates. It problematises the nationality of a female candidate and not of a male candidate, in the campaign and not during the application process. It is a claim that indicates interpretation of formal rules, and breach of formal rules, because it distorts the information about the female candidate. The inconsistency in the candidate selection process has been noted, too, in an elections observation report:

The Carter Center had additional concerns with the manner in which the party and women's list winners were announced, revealing only the votes for the winning candidate and failing to provide any method for verifying the basic accuracy of the results (Carter Center 2010: p. 50)

Rules-in-use can be seen in their interruption. For example, some female aspirants who were removed in the first round of selection were encouraged by male political actors to join opposition parties, but to compete in the same position to challenge the candidates who were selected by the EC.<sup>158</sup> Some women re-running in the reserved seats after serving the first assembly (in the Interim Period) provoked resistance and reproach from constituents, opposition parties and some male selectors. According to interviewees, these groups of men advised women from the SPLM Party to ridicule and boycott the campaigning of these female candidates. This draws attention to the competing rules and hidden norms and values (Helmke and Levitsky 2004) which operate to undermine the implementation of gender quotas.

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<sup>156</sup>Research Interview 3 with candidate, 23 October 2010.

<sup>157</sup> Research interview 8 with candidate, 23 October 2010.

<sup>158</sup> Research interview 1 with candidate, 15 August 2010.



## Conclusion

This chapter told the story of gender quota implementation in the run-up to the 2010 elections in South Sudan. It has shown that external and internal elements including key actors, key players, institutional design, rules-in-use and past legacies contribute to the implementation of gender quotas. Overall, the electoral design has encouraged women to challenge gendered norms, mobilise themselves and join politics.

However, access to and control over power relations and resources remain a battleground, with gendered resistance and ongoing contestation. The legacy of patriarchal social relations regarding women unfit for the public arena continues to influence actors' decisions and recruitment strategies. There have been a series of gendered practices, informal rules and norms, which signal a return to parties' past traditions of masculinity and combative behaviour regarding women as intruders.

In view of the observed implementation process, I argue that the success of gender quotas is context-specific and complex due to diverse factors. There are rules created and acknowledged but often broken in systemic institutions. The rule-breaking exists in the electoral processes and party systems, candidates' recruitment procedures and formal and informal principles of equality and representation. The case study has uncovered the magnitude of gendered resistance to women's access to politics, drawing attention to the gendered standards set. In most cases, these interact with actors' interests and expectations and candidate's identities to produce double standards. The case study has also found that establishing reserved quotas without quotas provisions and enabling mechanisms such as campaign financing, undermines women's access to politics. Having explained the story of implementation, the next chapter narrates the story of a female candidate who runs for a mainstream seat. Her personal experience underpins the story of implementation in terms of institutional rules, processes and practices.

## **Chapter Eight: The Story of Candidate Selection and Recruitment**

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The stories of the adoption and implementation of gender quotas in chapters six and seven have revealed that women's access to politics in South Sudan is still a battleground. This suggests that the gender quota has been adopted in an institutional environment where a legacy of old gender practices, norms and expectations works to constrain institutional reform and innovation. While embedding institutional innovation remains hard, the combination of 'newness' and 'gender quotas' appears to have made institutionalising reforms even harder and more fragile. This is because the implementation of quota was continuously contested and shaped by past legacies and ongoing interaction with other institutions. To further our understanding of institutional environment, this chapter presents the story of candidate selection and recruitment – findings from a 'within-case' example of the specific experiences of a female candidate for a geographical constituency in the 2010 elections. It builds upon the two stories of adoption and implementation by bringing to light the impacts of institutional environment on female candidates contending in mainstream candidacies. It also explores the supportive and unsupportive roles actors play and rules-in-use operating in institutions of candidate recruitment.

In section one I explain briefly the reasons for case selection, followed by respondent candidate 7's profile, so as to appreciate the story of selection. In section two I describe in detail the election process, strategies used by the candidate, her experience of the process and the perceptions of the selectors. The final section analyses the candidate selection process to explain the complex and gendered dynamics of institutional design, continuity and change. The individual-level evidence contributes to an understanding of institutions of political recruitment by showing the ways in which social bias and patterns of exclusion (Krook 2010; Lovenduski 2005; Norris and Lovenduski 2010: pp. 136–140) based on patronage politics constrain women's access to politics. I will argue that there is significant

value in engaging actors, structures and agencies and understanding informal rules and norms when promoting women's access in politics.

### **Case selection**

Respondent candidate 7 is a Member of Parliament elected through a geographical constituency, so the experience related here may not necessarily mirror that of the majority of female candidates elected through reserved quotas in the run-up to the 2010 elections. However, her story is important in enabling us to grasp the impact of gendered resistance and political behaviour on female candidates whose access to politics is perceived as intruding on 'male space' or as a breach of gendered norms. Respondent candidate 7's socio-economic and political background, status and contribution to the liberation struggle and women's movement are significant to this study. She is a feminist activist, a nationalist and a campaigner for women and for gender quotas. She was an aspiring candidate and is now an elected politician. Although it might be argued that such experience guarantees political inclusion, I argue that in the context of informal rules and norms, a rich political experience, education or social status are not necessarily 'a free ticket' to politics. There are other factors constraining access to politics that have a differential impact as between men and women. Women are particularly affected because they are a product of past structural discrimination, interests and identities (Lovenduski 2005; Mansbridge 1999, 2005). It is therefore important to look at the 'dugout experiences' of respondent candidate 7, and to acknowledge that barriers still exist in institutions of political recruitment.

#### *Profile of respondent candidate 7<sup>159</sup>*

Joining politics is generally a rough time ... discrimination and political elimination happen irrespective of the seats contested for.<sup>160</sup>

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<sup>159</sup> Unless otherwise stated, all quotes used in chapter eight are from research interview 7 with candidate, 8 November 2010.

Although this was said in a low tone of voice, while shaking her head, respondent candidate 7's opinion was loud and clear, that there is much going on in institutions of political recruitment. Her description suggested not only that she was emotionally affected, but also that there is a need to push hard to open 'stubborn gates' holding back women's entry to politics. The post-conflict reconstruction setting has created opportunities for increased female political representation, but the legacy of patriarchal culture, old rules and gendered norms is undermining such initiatives. Respondent candidate 7 emphasised that "change must start now by breaking the silence".<sup>161</sup> For a few minutes, I listened to her and pondered about what could have really happened. Normally complaints such as that would come from female candidates running in elections for the first time, but not from veteran politicians like respondent candidate 7.

She is one of the few prominent and politically experienced women who have broken through many barriers. She successfully competed with men in mainstream politics instead of women-only lists, and won. She had been a senior member of the SPLM Party, and had been in the liberation movement for a long time. She was the GOSS minister for Gender, Child and Social Welfare following the signing of the peace accord (CPA). She has also been a member of the National Petroleum Commission, a fundraiser for the Sudan Consortium for International Community, and a member of an oversight committee. Respondent candidate 7 is currently a Member of Parliament representing her constituency, and a chairperson for one of the South Sudan National Legislative Assembly (SSNLA) Specialised Committees.

Respondent candidate 7 became more involved in the women's movement in 1985/86, after she had gained skills and knowledge in respect of women's rights. In 1985 she attended the United Nations' Decade for Women Conference in Nairobi,<sup>162</sup> where she was nominated as one of the members to work on forward-looking

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<sup>160</sup> Research interview 7 with candidate, 8 November 2010.

<sup>161</sup> *Ibid.*

<sup>162</sup> UN Decade for Women Conference. Available from <[http://www.5wwc.org/conference\\_background/1985\\_WCW.html](http://www.5wwc.org/conference_background/1985_WCW.html)>. Accessed 25 July 2012.

strategies. She is one of the key players who championed the adoption of gender quotas in the Interim Constitution of Southern Sudan (2005), Elections Act (2008) and Gender Policy Framework (2008). Her participation in the women's movement was deepened by the struggle of Southern Sudanese people against the socio-economic and political injustices committed by the government of Sudan:

We became aware of our rights at an early age and became resilient as we fought alongside men. The liberation struggle required the whole population of Southern Sudan to participate.<sup>163</sup>

She described how the civil war not only raised women's consciousness about socio-economic and political marginalisation, but it also unified women irrespective of their situations (see chapter five). She went on to say that the regime had a differential impact on men and women, as well as women from North and women from South Sudan:

They took all the key leadership positions, because we did not have a good education, we were in the bush fighting ... although we were one country (Sudan), South Sudanese women experienced double marginalisation. That is why our leader Garang clearly stated that 'women are the marginalised of the marginalised'.<sup>164</sup>

Recognising this fact, women joined the battlefield with a double agenda – national and personal liberation. That is, they supported the struggles against the authoritarian regime, while challenging the continued fighting, male dominance on the front line, and the exclusion of women. Respondent candidate 7 claimed that this strategy improved the visibility of women as self-reliant and rational thinkers, with the ability to plan and lead. The next section explores the concept of the double agenda and its impact on institutional change in the post-conflict reconstruction era.

### **Struggle for national and personal liberation: Why the double agenda?**

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<sup>163</sup> Research interview 7 with candidate, 8 November 2010.

<sup>164</sup> *Ibid.*

According to respondent candidate 7, the history of South Sudanese women's empowerment dates back to February 1986, when the first women's meeting was organised by the late Juan Margaret. The meeting was held at Nyakuron Cultural Centre in Juba, with the objective of addressing the bottlenecks of women's empowerment. Margaret was a director of Social Welfare, a grade three position. She was one of the first women in the history of South Sudan, and Central Equatoria in particular, to hold such a high position in government. The meeting articulated women's policy concerns including representation in the political arena, social services, and poverty reduction. The outcomes were presented to the SPLM/A leadership, which agreed to include women in the policy deliberation and decision-making structures. However, women remained under-represented until 1994 when the first SPLM/A Convention granted 25 per cent gender quotas to women (see chapters five and six).

Yet, the recognition of women's role in the struggle remained more symbolic in nature because their access to decision-making structures continued to be undermined due to the patriarchal culture. Respondent candidate 7 recalls that a quota system was established by the government of Sudan, where one woman per district was appointed to the national and Southern Sudan Regional Assembly. However, it is uncertain how candidates were appointed, because women were not involved in electing their representatives or agreeing on common policy agendas. Consequently, continued exclusion and marginalisation resulted in many women joining the SPLM/A, while challenging the authoritarian regime:

Because we were born and found ourselves oppressed, we joined the system and became activists of women's rights. We joined the SPLM/A in massive numbers; we took part in the campaign and advocacy and made the whole world aware of what was happening in Southern Sudan during the 21-year civil war.<sup>165</sup>

The civil war ended in 2005, with the signing of the CPA which incorporated gender equality and conditions for elections (see chapters five and six). Both the

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<sup>165</sup>Research interview 7 with candidate, 8 November 2010.

national and personal agendas had been achieved, but now that women had their foot in the door, entering the ‘male space’ was not as smooth as envisaged. The legacies of the past patriarchal culture and gendered norms continued to constrain the access in new institutions. Respondent candidate 7 claims that women’s machineries initiated several programmes for increasing women’s representation. The programmes enhanced the capacity of women, including women legislators, in leadership, lobbying and networking. The undertaking by government, in collaboration with women’s organisations and their allies from international and local NGOs, was an eye-opener on women’s political rights. For example, women in the first interim parliament worked together to unseat some male parliamentarians who had taken reserved quotas seats. This is partly a result of the knowledge and capacity built up by the women’s movement and their partners from the international community.<sup>166</sup> The organisations built women’s capacity through training, conferences, dialogues and exposure visits which helped in the post-conflict reconstruction era:

We benefited from those training programmes. We became assertive and knowledgeable on matters pertaining to negotiation and lobbying for inclusion in decision making. Such skills helped us to question about gender imbalance in the parliament and other government levels. We made sure that in the run-up to the 2010 elections there was no way 25 per cent quotas could be excluded because it was adopted in the constitution and the elections law.<sup>167</sup>

According to respondent candidate 7, in the run-up to the 2010 elections women used various strategies to empower themselves and lobby their party leaders to increase women’s political representation. For example, some used the words of Dr John Garang: “25 per cent ... 75 per cent; *Khamisa wa ishirini ... Khamisa wa*

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<sup>166</sup>See for example Noeleen Heyzer, Executive Director UNIFEM’s speech (2005) on Developing a Common Women’s Agenda: ‘Securing a Just and Sustainable Peace: Strengthening Women’s Effective Participation in Peace Processes’. Available from International Support to Women’s Movements in Conflict-affected Countries, <[www.unrol.org/files/Securing.doc](http://www.unrol.org/files/Securing.doc)>. Accessed 8 February 2013.

<sup>167</sup> Research interview 7 with candidate, 8 November 2010.

*sabini*”, to remind political actors to implement gender quotas (see chapters five and six for Garang’s speech and his successor). Women convinced the chairperson of the Political Parties Affairs Council (PPAC)<sup>168</sup> that women were members of the political parties, and therefore should be elected through party lists. It was a drive that compelled the chairperson to declare that any party that brings its party and women’s lists without women will be disqualified (see also *GEM News* 2009: pp. 8–9).

## **Entering the political arena: decisions and strategies**

### *Stage One: Declaration of interest and registration*

As respondent candidate 7 and her colleagues were preparing for elections, they organised a women’s meeting in October 2009 in Juba to strategise on winning more seats. They analysed the under-representation of women in the Interim Period and gendered resistance in the enactment of quotas in the electoral law and constitution. Their analysis was a ‘wake-up call’ because it drew attention to the continued exclusionary practices and legacy of patriarchal social relations and gendered norms. It was clear that women would remain under-represented, and quotas undermined in the elections unless women took action. They devised multiple strategies to increase the number of women in the assemblies to the 30 per cent critical mass level as per BPfA (see chapter two). One of the strategies was to register their names in the strategic plan as SPLM Party Women’s League members and compete for both reserved quotas and mainstream seats. Women’s groups worked with local government leaders to reach areas with strong opposition to quotas and women’s participation in the political sphere.<sup>169</sup> A large number of women’s organisation’s embarked on voter education and door-to-door campaigns (see chapter seven).

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<sup>168</sup> PPAC registers political parties in South Sudan and develops their long-term capacities as parties.

<sup>169</sup> Research discussion 3 with groups, 15 November to 10 December 2010.



After the elections timetable had been established, respondent candidate 7 says that the SPLM Party Women's League met and agreed to reserve quotas seats for aspirants who could not compete in the 'men's world', and advised eligible members to run for mainstream candidacies. While there are candidates who ran for direct seats after being unsuccessful in quotas seats (see chapter seven), respondent candidate 7's decision to run for a geographical seat was primarily based on her political and leadership experience, education and social status.

### *Stage Two: Application and nomination process*

The SPLM Party established rules that required aspirants to apply from the grassroots levels. The local party members identified and selected potential candidates and sent their names to the state-level committee (Fig. 7.1). From the state level, names would be sent to the Southern Sector and then to the Political Bureau (PB).<sup>170</sup> There were formally agreed structures and processes for candidate nomination. Yet amidst of the application process, a new system and structures of recruitment emerged. The new system established Electoral Colleges (ECs) in all ten states to undertake the selection process:

In my county, I followed all procedures agreed as internal rules from the beginning, but the PB changed the formal rules. It scrapped the primary elections, and introduced a different system which was not even communicated to members. It was neither in the SPLM Party constitution nor part of the internal regulations. The new system was adopted from a foreign country ... They established Electoral Colleges and handpicked members.<sup>171</sup>

Respondent candidate 7 claims that members of the ECs were handpicked in a non-transparent manner because there is no evidence of the party undertaking participatory initiatives to establish the ECs. This suggests that the ECs were masculinised to exert excessive power on candidate selection; as she puts it:

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<sup>170</sup> See Fig.7.1, chapter seven.

<sup>171</sup> Research interview 7 with candidate, 8 November 2010.

Somebody or people who feared me in my state, thought that eliminating me would create more chances for men to win. So, they made a selection of 25 people to go to the Electoral College: four people from each county. And each county had its own process for candidate selection.<sup>172</sup>

The EC introduced a chart with different standards, some of which were neither known nor communicated to all members. Some standards altered the rules in accordance with the dominant culture and traditional practices within the party. In some cases, the ECs overlooked the grassroots' choices and re-ranked candidates appealing to the selectors, higher on the list, while the rest were either eliminated or placed at the bottom. She became one of the women who were hurtfully eliminated:

They said that this woman is trying to steal seat from a man ... SPLM Party has given women so much, what else do women want? ... My competitors always say if we don't eliminate this woman, no man in this county would ever lead.<sup>173</sup>

She describes how there was also an ongoing debate about getting a 'new face', preferably a man, to become a 'political driver' in the assembly. The disproportionate behaviour towards, and elimination of respondent candidate 7 were exposed by women members of EC:

They said that the malpractices and informal rules were done by state party officials (EC). Some members were given specific instructions from the top county leaders to eliminate me. They broke the rules and disclosed the secret of the selection committee on how I was eliminated, stressing that ... 'This is wrong; you must fight for your right'. I remember one of the women members from my county pressed it so hard and said, 'This cannot happen' ... They stood firm to tell the truth and are ready to be identified with this case.<sup>174</sup>

Their willingness to bear witness is an outcome of elections sensitisation programmes, which empowered women to 'act for' women and become 'watchdogs' of women's agenda for increased representation (see chapter five). She explains that

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<sup>172</sup> Research interview 7 with candidate, 8 November 2010.

<sup>173</sup> *Ibid.*

<sup>174</sup> *Ibid.*

she scored the highest mark (96) in the new system. She became number one and defeated two male contenders. The new system focused on education level, political experience, partisanship, commitment, previous activities and seniority in the public administration:

If I had scored low marks, then they could say that I lacked commitment and therefore could have downgraded me. But this one was done like a recruitment process!!! ... The people with instructions to eliminate me did not know that marks were added up and I became number one. When they discovered that, they immediately opened their eyes and remembered that I was never to appear anywhere ... So, my name was removed straight away.<sup>175</sup>

Despite her high score, respondent candidate 7 was eliminated and her position taken by a 'preferable' male candidate who was second on the list. The male candidate had just returned from the diaspora after being out of the country for over 30 years, but as a new face it was thought that he would be instrumental, in the sense that he would bring new ideas, experience and pressure to influence policy change. Respondent candidate 7 explains that the final reserve list comprised two male candidates and respondent candidate 7. The EC was supposed to send the names to the Southern Sector, which would scrutinise and forward to the PB for the final approval of one candidate. However, something else happened before the EC submitted the final list:

They became worried; if they sent my name under reserve list, then definitely I would be selected by the senior people who knew my work experience. So, they took my file away ... it never reached the Southern Sector and PB. I appealed according to the system and asked my file be brought and retrieved at the state level, so that I could take the issue to the court, but they refused. This is gendered discrimination, personal hatred and deliberate exclusion.<sup>176</sup>

According to respondent candidate 7, these malicious acts were done because she was a woman, capable of doing things which are traditionally done by men. There

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<sup>175</sup> Research interview 7 with candidate, 8 November 2010.

<sup>176</sup> *Ibid.*

were several attempts to verbally attack her and in some cases she was ridiculed by women who were incited by male opponents:

The gatekeepers appointed women from the system, who acted as their ‘sympathisers’ to take instructions from them. They used negative language and bitter words to insult and harass me. When I was eliminated, one of them wrote on the internet that ‘the arrow has hit the target’. Such statement provoked discussion and revealed the truth about informal rules used by the EC.<sup>177</sup>

Generally, all female aspirants seeking candidacies through all seats encountered some form of gendered resistance and obstacles, but candidacies running via the geographical seats were more constrained, as witnessed by another candidate for a mainstream seat:

It was tough ... We were confronted by men, we were being de-campaigned. They were telling people that these are greedy women; they already have 25 per cent ... why do they want more seats? Isn’t that enough? ... They went ahead and claimed 25 per cent to be given to men as well, especially in my county where women have dominated in the leadership. They told women in the payams not to vote for women in geographical seats because the law does not allow. But the community understood their tricks and said no, we want someone who can deliver ...<sup>178</sup>

### *Stage Three: Selection process*

When the PB held a selection meeting, one of the senior members of BP discovered that respondent candidate 7’s name was missing from the list submitted. He inquired about her file, but was told by a person from respondent candidate 7’s county that “files which are left at the state levels should not be requested at the PB”.<sup>179</sup> That was the end of respondent candidate 7’s case in the PB. Surprisingly, the male candidate who replaced respondent candidate 7 was rejected by the PB for not being popular. The PB was reluctant to approve a candidate with limited party experience, to avoid losing its constituency to opposition parties. Instead, it approved the second

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<sup>177</sup> Research interview 7 with candidate, 8 November 2010.

<sup>178</sup> Research interview 8 with candidate, 23 October 2010.

<sup>179</sup> Research interview 7 with candidate, 8 November 2010.

candidate from the list who had been in the SPLM movement during the civil war. The final list was published at the end, and candidates whose nominations were rejected by the PB appealed to the courts. The party incorporated changes from successful appeals and submitted the list to the NEC. Some candidates, who were illegally eliminated, opted for independent candidacies. The NEC approved the final lists and publicly announced the candidates to begin formal campaigning.

#### *Stage Four: Running independently*

When the selection process at the PB was over, respondent candidate–7 went back to her community elders (women, youth, traditional leaders and county administrators), and explained what had happened. The elders wanted to appeal to the President, but she informed them that the PB selection process was concluded, but there was an opportunity to run in elections as an independent candidate. The elders encouraged respondent candidate–7 to pursue this option, promising that they would give her all the support needed:

They said ‘we are going to vote for you, so go ahead and collect the forms as an independent candidate’. You see...I was pushed to a corner...being a long time member of SPLM Party who had occupied very senior positions, it would not be in me to go against my party and stand as an independent candidate, had those rules agreed as internal regulations been followed.<sup>180</sup>

Respondent candidate–7 collected the application forms from Juba and took it the grassroots where she was seconded by chiefs, sub-chiefs, youth and women’s groups. The electoral law requires candidature of the independent candidates be seconded by at least 50 voters registered in the geographical constituency.<sup>181</sup> She submitted her application, and met with her fellow male ‘contender’. She emphasises that this was an important aspect of ensuring harmony and peace during and after the campaigning:

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<sup>180</sup> Research interview 7 with candidate, 8 November 2010.

<sup>181</sup> Note that the Elections Act (2008), section 54 (2.b) indicates requirements for nomination for geographical constituencies.

I congratulate you, you carry the flag of SPLM Party, whereas I am going independent...Let us go to the field, explain about our programmes and let the people chose who they want. If they chose you, I will congratulate you and work with you, if they chose me please let us cooperate and work together. There is no need for us to go around during campaigning and insult each other, while we are members of the same party. We only disagreed with the EC practices because internal rules were left in the hands of local officials who manipulated the process.<sup>182</sup>

#### *Stage five: The campaigning and surveying*

Following the acceptance of respondent candidate 7 to run as an independent candidate, her community prepared for massive campaigning. She organised meetings and used public events and market days to distribute materials. Many women and youths came out to support her, but there were also many threats from the male opposition. She claimed that in rural areas, for example, women were warned not to register, otherwise their children would be killed or taken to the army or troubled by tax collectors.<sup>183</sup> Others were told that it is a man who registers and votes for the whole family, while some were pushed to vote for the choice of their husbands to avoid being divorced. Other women sent their friends to register because they were away on family matters such as funerals, without knowing that it was their citizenship right to register and select their representatives.<sup>184</sup> On the whole, the threats evoked past experiences of women suffering due to their contribution to the armed struggle, marginalisation and structural discrimination in power relations. Respondent candidate 7 said that these reasons necessitated conducting massive awareness campaigns and the crafting of messages that would attract constituents to register and vote. She conducted a survey on issues of importance to the community and devised ways of packaging and disseminating effective messages. She knew that the message about a 'duty and right to register and vote' would not influence the electorate to come forward. So, she crafted sensitive campaigning messages, to guide people to make informed decisions in relation to their daily life:

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<sup>182</sup> Research interview 7 with candidate, 8 November 2010.

<sup>183</sup> *Ibid.*

<sup>184</sup> *Ibid.*

I told them that ... in the past people used to walk and travel over a distance of 90 miles from 'K' to 'Y' County to get medical health services. But Garang gave us a county. The law of a county says that if you are counted and you do not reach one hundred thousand, the county would be cancelled and all of you would go back to 'Y' County because it is big and centrally located in the state. The doctors and nurses too will go back to 'Y' County and all applications for business permits will be issued in 'Y' County. Many were dissatisfied because they did not want to go back to 'Y' County. So, I told them that the solution to this problem was to register and vote.<sup>185</sup>

The message was an effective mechanism which stirred more than 196,000 people to register in her county, without which there would only have been 60,000 people registered. It carried references to the legacies of past authoritarian regimes, division of labour and power relations, drawing attention to a need to elect aggressive advocates of their concerns.

#### *Stage Six: Elections process*

On elections day, many women and men, young and old, turned up at the polling stations and respondent candidate 7 was successfully elected. Her competitor lost the seat for the SPLM Party in the elections. It was a big blow to the party but a key achievement for the electorate in electing a woman who was initially eliminated by the EC because of selectors' prejudice and self-interest. Respondent candidate 7 had a good reputation for achievements not only in her county, but in the whole country. Her victory encouraged both the electorate and female candidates to share their testimonies and experiences of exclusion. For example, the electorate complained about the party imposing candidates on them, while the female candidates claimed that the party influenced the elections results by 'handpicking friends' and discrediting some of the potential candidates:

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<sup>185</sup> Research interview 7 with candidate, 8 November 2010.

Many women aspirants could have run for party lists and been selected if we had gone to the primaries. But during selection, most of them were eliminated and discouraged because of internal rules which were not clear and transparent.<sup>186</sup>

Others said the ECs and PB had overlooked the grassroots' interests and recruited party loyalists who would not challenge gendered norms or be accountable to their electorate. The elections results were also influenced by wider issues within the SPLM Party, mirrored by the increasing decline in SPLM membership, creation of rebel groups, loss of SPLM seats, and a rise in support for other small emerging parties. Specifically, the election results indicated the tension and dissatisfaction with the ECs and the inability of the SPLM Party to detect and prevent informal norms and practices:

Exclusion of primaries in the selection process was a big mistake realised because there was no way SPLM Party could gather information or detect frauds.<sup>187</sup>

As a consequence over 350 candidates, mostly senior members of the SPLM Party across the country, contested elections as independent candidates and did not secure approval for their candidature from the party's PB.<sup>188</sup> Candidates were eliminated in the selection process for various reasons that included electoral fraud and intimidation, gender, ethnic conflict, and combative behaviour (Research discussion with group;<sup>189</sup> see also *Sudan Tribune* 2012<sup>190</sup>). The PB was also concerned about the abuse of new formal rules in almost every state.<sup>191</sup> In particular the party's secretary-general cautioned that the decision taken by many SPLM Party leaders who did not succeed in the party nominations to contest as independent

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<sup>186</sup> Research interview 7 with candidate, 8 November 2010.

<sup>187</sup> Most interviewees had the same observation (Research interviewees 7, 8, 9, 12; group discussions 1, 2, 4; Key players 21, 22 and 23).

<sup>188</sup> *Sudan Tribune* 31 March 2011. Available from <<http://www.sudantribune.com/N-Bahr-el-Ghazal-releases-9,38440>>. Accessed 15 September 2012.

<sup>189</sup> Research discussion 4 with groups, 5 June 2011.

<sup>190</sup> *Sudan Tribune*, 12 September 2012. Available from <[http://www.sudantribune.com/spip.php?iframe&page=imprimable&id\\_article=43870](http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=43870)>. Accessed 10 October 2012.

<sup>191</sup> Research interview 11 with key actor, 25 November 2010.



candidates, threatened to divide the party, because they opposed SPLM Party members in various positions:

We see this as a problem that could divide the party ... the Political Bureau is appealing to all the members and leaders not to divide the party and the votes as well as engaging in any power struggles because we have a mission and programmes to achieve (See Pagan Amum, the SPLM Secretary-General, in Gurtong 2010)<sup>192</sup>

Nonetheless, after the elections, the PB decided to welcome back to SPLM all the independent candidates on 14 August 2010. It was a necessary action because of the forthcoming referendum on self-determination. The President appointed some of the independent members to senior government positions, including respondent candidate 7 herself, as chairperson of one of the SSLA Parliamentary Committees.

The story of respondent candidate 7 has provided a complete account of aspects of the institutional environment that frame the choices and strategies of the political actors who function within it. The environment includes past legacies of patriarchal culture and discrimination, institutional design, rules-in-use and actors.

The story of respondent candidate 7 pre- and post-CPA reinforces the significance of past legacies and traditions in enabling and constraining women's access to politics. The legacies of past marginalisation and patriarchal social relations have for many years assigned to women a secondary role. These legacies are enduring in new institutions. For example, although the electoral design allows women to run for mainstream seats, female candidates who expressed their interests in constituency seats were perceived as 'intruders, greedy women or raiders of male's privileges'. This implies that women are welcome to politics only as a special group that should not interfere with men's privileges. Attempts to interfere in male space was considered an infringement of gendered norms and general conventions, which must be seen as being punished or met with higher gendered costs. Such practices indicate the ways in which the new institutions continue to be shaped by

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<sup>192</sup> Gurtong (2010). Available from <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/3143/categoryId/1/SP>>. Accessed 20 September 2012.

legacies of past decisions, practices and norms, which constrain women's access to power, resources and services.

Another aspect of the past legacy is observed in elections campaigning. The past experiences of women's suffering, marginalisation and exclusion from the public sphere were evoked by male contenders. Male contenders told women that it is men who vote to represent the household, while husbands controlled their wives in terms of who to vote for. Others evoked memories of the conflict period, in which women were molested, and children killed or militarised. The past was used to discourage women from participation in electoral activities. These were exclusionary practices indicating that institutions were not ready to accept women's access and engagement in political affairs. Paradoxically, the different legacies provided the impetus for women's continued challenging of gendered rule and norms to ensure that women were elected.

The story has shown that institutional actors can play supportive and non-supportive roles in candidate recruitment. Political elites set internal rules, recruitment standards, values and norms to guide the candidate selection process. The rules take realistic meaning through the practices of individual actors who may encourage their enforcement, such as when the chairperson of the Political Parties Affairs Council declared that any party that brings its party lists without women will be disqualified, and when women selectors exposed the political elimination of respondent candidate 7. Political elites can also play a non-supportive role when they break or imperfectly implement rules of candidate selection. For example, when they indulge in re-ranking of the list of candidates to favour male candidates over female, or overlook merit and select party loyalists:

The SPLM Party PB obstructed the selection process ... Individuals who were chosen by the grassroots were replaced by the PB without consulting the grassroots. The decisions of selecting loyalists and long-term servers have become detrimental.<sup>193</sup>

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193 M. Kuir (2010), 'SPLM Party SG admitted existence of irregularities in the selection process', in *New Sudan Vision*, 19 February 2010. Available from

The choices and perceptions of the selectors on suitable candidates – a man rather than a woman, a new face rather than an old-timer – diverge sharply from citizenship rights. Equally, issues such as ‘national identity’,<sup>194</sup> ‘local and foreign/diaspora’ and ‘grassroots experience’<sup>195</sup> interacted with the recruitment process and shaped debates on which women or men to include or exclude, and on which women and men had more in common with the society they might represent.<sup>196</sup> This implies that political elites’ roles and interests cannot be overstated, for their intervention can enable or constrain women’s inclusion in politics, or become a significant source of conflict in new institutions. There is also the supportive role of key players such as women’s organisations and their allies from national and international organisations. Such organisations created awareness about women’s citizenship rights, leadership skills and ability to engage with political parties to challenge gendered norms and exclusionary practices, and inspired women to exercise their agency within unfavourable institutional and cultural contexts in order to facilitate women’s access to politics.

The story of candidate selection offers elucidation of the rules-in-use and informal norms that play out in the particular context of South Sudan. The recruitment process has an underlying drift of norm erosion, informal rules and reassertion of masculinity. The main party institutionalised internal rules aimed at recruiting both men and women, but there existed a predominance of a particular masculinity which empowers and favours certain men over all (or almost all) women and some men; witness the informal rules and commands – ‘instructions’ – received from senior authorities, as stated by respondent candidate 7, to remove her from the list. She was a veteran woman of the ‘old guard’, yet she failed to win the backing of the party. This draws attention to the ways in which informal rules, gendered norms entrenched in authoritarian regimes and patriarchal relations can be powerful tools

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<[http://www.newsudanvision.com/index.php?option=com\\_content&view=article&id=2028:the-splm-political-bureau-vs-grassroots-citizens&catid=14:articles-&Itemid=44](http://www.newsudanvision.com/index.php?option=com_content&view=article&id=2028:the-splm-political-bureau-vs-grassroots-citizens&catid=14:articles-&Itemid=44)>. Accessed 4 February 2012.

<sup>194</sup> Research interview 8 with candidate, 23 October 2010.

<sup>195</sup> Research interview 7 with candidate, 8 November 2010.

<sup>196</sup> Research discussion 1 with group, 30 April 2011.

shaping selectors' strategies and women's inclusion in politics. Furthermore, the story illustrates how local male elites retained very strong views of male 'entitlement' to political leadership, and therefore their expressed anxiety that men would not have a chance to lead in the county if respondent candidate 7 were selected. The informal rules and values may become symbols of strengthening gendered inequalities by which women are portrayed as powerless and incapable of political office (Acker 1992; Lovenduski 2005). For example, the rules of engagement, and values such as 'political experience', 'popularity' and 'political drive', advantaged men and women differently. This scenario discourages potential women candidates from putting themselves forward for election and undermines initiatives for advancing women's political representation.

The story has also revealed that the institutional environment is gendered. That is, SPLM Party structures, rules, practices and norms retain the characteristics of the men who founded it and continue to dominate and control the decision-making process (Lovenduski 2005). Since women's engagement took place in what Lovenduski (2005) regards as an already-established set of institutions and practices, their effectiveness remained conditioned by traditional political practices, attitudes and values. Women were generally under-represented in the recruitment structures, implying that their voices and perspectives (Phillips 1995) were undermined. The standards of recruitment encompassed masculinity values which viewed men as rational actors, powerful and strong with the ability to control and influence policy change, while women were viewed as weak and illogical (Acker 1992; Hooper 2001; Randall 2010). For example, the preference for a strong male candidate, with new ideas and political drive, rather than respondent candidate 7, suggests that male candidates are considered more electable than female candidates irrespective of standards set or women's merits. This underpins the negative perception of women's presence in the political arena, and disregards individual women's merit and right to be elected democratically. It also suggests that the rules are delegitimising the access of women to the political arena through mainstream seats, and legitimising the dominance of men.

Findings from the case study show that institutional design plays a significant role in increasing women's access to politics. The electoral design allowed women entry to politics through geographical seats, but did not create a favourable environment that included oversight and monitoring systems. Female aspirants seeking candidacies through geographical seats were constrained by numerous factors including resources, gendered resistance and violence.<sup>197</sup> Although some female candidates mobilised resources from community, friends and family to finance campaigning, it overburdened many and discouraged them from running for territorial seats. Lack of oversight mechanisms allowed for the emergence of informal rule and norms. It prompted selectors to use excessive power, and patronage politics, to exclude candidates and select their 'suitable' alternatives. This means that it was essential for female candidates running for mainstream seats to appeal to party selectors of mostly male elites, and not to a broader electorate. Similarly, lack of enforcement mechanisms incited some male contenders to breach the rules and incite groups of women to ridicule and mock politically ambitious and outspoken women like respondent candidate 7.

In the SPLM Party, recruitment is governed primarily by internal party rules. Formally, primary identification and selection would have been undertaken by the local party members from *boma*, *payam* or county, who would then send the names to the state's southern sector and finally to the PB. In practice, though, the selection process was altered in accordance with the dominant culture and traditional practices, and the ECs established in ten states. It is true that new institutions are created to enhance performance and simplify political processes (March and Olsen 1989), but the EC ostensibly complicated the recruitment procedures. Since the SPLM Party had not established checks and balances, the ECs employed informal channels of command, communication and accountability, resulting in ambiguity in the application and interpretation of the formal rules. It is also true that decentralisation can influence the proximity of women's access to politics because it shifts power away slightly from the core party leaders and downward to the grassroots. However,

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<sup>197</sup> Research discussion 4 with groups, 5 June 2011.

it does not always favour female candidates (Goetz and Hassim 2003). Evidence from respondent candidate 7's story shows that she was blocked at the local level by the EC's key actors. These actors were more overtly and defensively patriarchal than at the national levels (the PB). Beyond the scrutiny of the EC and PB, standards that embraced ethnicity, client relationships, kinship and patriarchal culture were extreme. As a woman, respondent candidate 7 claimed that she was forced to find a balance between the dictates of her gender and the gendered context in which she operated. She opted to run in the elections independently. The gendered relations of power (including the ways in which the EC evaluated, controlled and used excessive power), suggests that local variation in gender patterns may create contradictions that open up space for contestation and ongoing resistance. The evidence of reassertion of traditional gender norms, and interaction between old and new rules, contributes to an understanding of institutions of political recruitment by showing the ways in which social bias and patterns of exclusion affect female candidates. It reinforces the claim that "new institutions are shaped by past legacies and ongoing interactions with other institutions" (Mackay 2011: p. 188) in the daily culture. Such evidence not only provides an individual-level experience of the process and the perceptions of the selectors, but also tells us why women may be discouraged from running for political office.

## **Conclusion**

The story of respondent candidate 7 has shown that early and adequate participation in women's struggle in pre- and post-conflict processes offer many opportunities to redirect political discourse in ways favourable to gender equality. Women used their skills acquired during the struggle, past legacies and competitive dynamics of a pluralist system to influence the electoral process and build leverage around political inclusion. Yet, their achievement does not guarantee women's presence and access to political institutions. There are complex gendered dynamics of institutional design, pointing to the challenges of reforming recruitment processes in the context of

Bigmanism politics, i.e., the presence of powerful informal norms, actors and legacies.

The institutional shortcomings, and the success of respondent candidate 7 and other female candidates who contested via geographical seats in the run-up to the 2010 elections, offer a number of lessons. Firstly, the women's movements and their allies as agents within institutions can play a significant role in institutional change. On the one hand, women organising across party lines, and feminist activism, can be effective forces in challenging gendered norms constraining women's access to politics. On the other hand, there may be obstructions, decline and counterattack, implying that policy adoption and implementation is not always straightforward. Women's entry into politics, particularly through mainstream seats, may be unwelcome or prone to gendered resistance because, traditionally, the society in question had assigned women to the private sphere and subordinate roles. As the story indicated, female candidates running for mainstream seats were mocked and labelled 'greedy', and 'robbers' of men's opportunities, suggesting that the legacies of patriarchal social relations remained, negating women's presence in the public arena. Secondly, gender does not affect an individual's performance, but in the context of powerful informal rules and patriarchal norms, female candidates may encounter discrimination on the basis of their gender. This suggests that a hostile institutional environment discourages female aspirants from joining politics and is indeed responsible for women's under-representation in politics. It also suggests that a preference for male over female candidates is not only correlated to the problems of supply on the elite side, but is also due to the interaction between rules-in-use and informal norms. Thirdly, political institutions not only construct positive feedback, but may also construct criticism, contestation and grievances. The story shows that not all losers 'pulled out' so fast from the political race.<sup>198</sup> They re-emerged in

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<sup>198</sup> *Sudan Tribune*, 31 March 2011. Available from <<http://www.sudantribune.com/N-Bahr-el-Ghazal-releases-9,38440>>. Accessed 15 September 2011.

different ways, such as independent candidates or candidates from opposition parties, and found their ways to politics.<sup>199</sup>

Having examined the impacts of institutional environment on female candidates contending for mainstream candidacies, the final chapter presents key findings from the stories of adoption and implementation. It explains the relative success of quotas, outlines future prospects and gives the conclusions of the thesis.

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<sup>199</sup> *Africa Files* 18 February 2010: 'SPLM Political Bureau disowns independent candidates.' Available from <<http://www.africafiles.org/article.asp?ID=23014>>. Accessed 1 July 2012.



## Chapter Nine: Key Findings and Conclusions

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This study has explored the adoption and implementation of quota rules in South Sudan. It has examined the factors explaining the apparently successful implementation of quotas in the first South Sudanese elections held in April 2010, which returned a high (32 per cent) proportion of women as a percentage of all parliamentarians. In post-conflict countries such as South Sudan, processes of political restructuring and constitutional engineering can present opportunities for issues of women's political representation to be addressed through gender quota laws. However, the gap between formal laws and their implementation in practice can result in uneven outcomes, particularly in the context of a deeply entrenched patriarchal culture and patronage politics. Comparative scholars tend to emphasise technical factors, arguing that successful outcomes require quotas designed for goodness of fit with the wider institutional environment, sanctions for non-compliance, and the introduction of oversight systems. Not all elements were present in the quotas design in South Sudan, however. So, the starting puzzle for my research was how South Sudan's achievement of its quota target in the first post-conflict elections could be explained. Thereafter, the thesis sought to problematise the apparent success of quotas and the future prospects for women by examining formal and informal institutions and their design.

This chapter is divided into three sections. Section one restates the problem and the original aims of the study, and summarises the thesis. Section two pulls out and presents key findings from the stories of quota adoption and implementation, organised around the themes of legacies, actors, design and rules-in-use. It explains the relative success of gender quotas early in the life of the new country, as well as highlighting the challenges that remain, and the uncertain prospects for gender quotas. Section three sets out the conclusions of the thesis, highlighting its key theoretical and empirical contributions. It also offers comments on future prospects for gender quotas.

## The politics of gender quotas

### *Restating the problem*

Gender quotas are increasingly being adopted across national and wider party contexts, but outcomes remain variable and success is not always guaranteed. The existing accounts fail to resolve the contradiction between similar quota policies producing diverse results, and different quotas measures producing similar results. Most studies of quotas have consistently shown the discrepancy between quota provisions and actual representation, without systematically analysing the implementation processes and practices. Meanwhile, there is a growing concern that the success of quotas is constrained by informal institutions, rules-in-use and informal norms. Yet, evidence for this concern is inconclusive because there are few in-depth studies of quota adoption and implementation in sub-Saharan Africa.

The central argument in this thesis is that understanding the institutional and cultural contexts of quota adoption and implementation, including rules-in-use and norms, is crucial for explaining the relative success of quotas, and for bridging the gap between quota policy and practice. The thesis emphasises that political institutions are gendered, in that they continuously endorse specific models of masculinity and femininity which safeguard actors' interests and practices in the candidate recruitment process and undermine women's access to politics. It argues that clarity about institutional processes and practices is critical for recognising gendered institutions and explaining both the success and shortfalls of quotas. In particular, the study has answered the following questions about quota measures: What leads to the success of quotas in traditionally patriarchal institutions? What rules-in-use and norms have interacted in the processes of quota adoption and implementation? What roles, supportive and unsupportive, have actors played in the adoption and implementation of quotas? How have formal and informal institutions, and their design, constrained female aspirants?

The thesis stressed that these questions are useful not only to feminist theorists, but also to feminist activists and practitioners who are working towards increasing women's political representation. Thus, the thesis has specifically

1. presented some significant in-depth stories of the adoption and implementation of gender quotas in South Sudan in the first post-conflict elections;
2. identified key actors, institutional processes, practices, and exogenous and endogenous factors contributing to the success of quotas;
3. examined the formal and informal institutions in the case study, including the rules-in-use and the gendered dynamics of institutions of political recruitment;
4. problematised the 'success' of quotas and future prospects for women by examining formal and informal institutions and their design, as well as the enabling and constraining legacies.

The next section summarises the thesis, setting out the line of argument and highlighting key findings and problems.

### **Gender quotas, institutions and rules-in-use**

Chapter one provided an overview of the institutional and cultural contexts in which female aspirants seeking candidacies through various seats were involved. It underlined areas of concerns in Elections Act (2008) and institutions of political recruitment such as quota provisions, patriarchal attitudes and informal rules of the political game. Chapter two critically reviewed the literature on women, gender quotas and political institutions, but paid particular attention to sub-Saharan Africa and post-conflict contexts. It identified exogenous and endogenous elements influencing gender quotas, arguments for and against quotas, and inadequate information about implementation and institutional environment. The current literature focuses on quota rules adopted, and outcomes in terms of women's representation. Yet reasons for variable outcomes, political behaviour and non-compliance with formal rules remain underplayed. The chapter then asked how quotas are adopted and implemented in practice.

Chapter three introduced key concepts and definitions about institutions, rules-in-use and gendered institutions in theory and practice which are used to inform the

research design. It identified tensions in the literature on gender quotas in respect of the institutional environment, actors' interests and rules-in-use. It then defined and examined how institutions and the rules-in-use are created, operated and sustained. It argued that actors are important because they set internal regulations and standards for candidates' recruitment, and implement or overlook rules for strategic reasons. The chapter provided key concepts and tools to explain the gendered dynamics of institutions of political recruitment discussed in the analysis (see chapters six, seven, eight and nine). It argued that understanding the impact of legacies, the impact of institutional environment and how political elites enact rules (i.e. rules-in-use and contestation over rules and norms) are fundamental to any explanation. The chapter stresses that political institutions and actors prescribe and proscribe certain masculinity and femininity in daily institutional culture. For this reason, gender ought to be integrated as a relational concept and analytical category to analyse the ways in which institutions reflect, reinforce and structure unequal gendered powered relations. It took an institutionally-focused approach to interpreting and explaining gendered power relations, institutional constraints, and change. This approach recognises that political explanation regarding interests, processes and norms requires empirical investigations of institutions and their outcomes.

Chapter four presented the methodological issues involved in understanding the complex phenomenon of gender quotas and rules-in-use in South Sudanese post-conflict elections. Since there is no distinct feminist methodology within political science, the chapter argued that the research should take a problem-driven approach rather than a method-driven one, employing a broad range of theoretical and methodological frames – specifically, a combination of different types of method and the researcher's own position and field experience – to answer the questions about the apparent success of quotas in South Sudan.

Chapter five gave an historical background of South Sudan in order to understand institutional change in the post-conflict reconstruction era. It reviewed the story of women organising in pre- and post-conflict periods, focusing specifically on gender relations and gender norms which are key legacies for institutional change and the adoption of quotas. It argued that there are different legacies that provided resources

for women's demands for quotas and representation in decision-making bodies. It underlined the significance of women's organising for effective political mobilisation, but drew attention to the possibility of variable outcomes due to reassertion of particular masculinities and old norms. The chapter concluded with an assessment of women's mobilisation towards the 2010 elections, the electoral framework and candidate selection process.

Chapter six told the in-depth story of the adoption of gender quotas. It examined the role of key actors, key players, exogenous and endogenous factors, and argued that the different elements are significant in the adoption of quota. Actors matter because they frame popular mandates to influence quotas, while internal and external factors exert pressures to ensure quotas are adopted. The chapter explored different arguments for and against quotas and asserted that these discourses are important to augment the perceived legitimacy of quotas. It examined the mixed electoral system which has increased women's access to politics and argued that institutional design matters. It also analysed the rules-in-use, gendered resistance, and contestation in the formal adoption of quotas, and argued that informal rules can help in times of strong resistance. The chapter emphasised that the adoption of quotas is a fragile and ongoing process, one that is constantly challenged, contested, and shaped by actors' interests and the legacies of past decisions.

Chapter seven presented the findings of an in-depth story of the implementation of gender quotas in South Sudan. The chapter identified the coexistence of formal and informal rules and norms in recruitment and argued that their interaction resulted in standardisation and non-compliance with quota rules. Evidence was provided about the legacies of past decisions and how old rules interact with new ideas and institutions, pointing to the ways in which informal rules and norms embedded in patronage politics manage to undermine quota outcomes. The chapter argued that political actors are significant because they can make, implement or break the rules. Political actors remain informed by the legacies of past traditions and patriarchal culture, which impede women's access to power relations. It analysed the reserved quotas system and argued that the design matters because it dilutes the impact of

quotas in terms of the wider transformation of political culture, and can work to constrain women's access to resources and power.

To illustrate the unintended consequences of institutional design, I presented findings in chapter eight of a 'within-case' example of the specific experiences of a female candidate running for a geographical constituency. I provided a detailed account of the aspects of the institutional environment that framed the choices and strategies of political actors, and revealed how informal institutions and norms constrain female aspirants' access to politics. There is reassertion of masculinist values, patriarchal and combative behaviour as well as 'remembering' of old rules and norms that assigned women to inferior positions. The chapter illustrated the ways in which informal institutions, rules and norms can serve to shape the electoral environment and influence actors' strategies and political behaviour. Female candidates remain the major victims because the political institutions are entrenched in wider gendered structures. Not only are female candidates denied their citizenship rights, but they are also affected emotionally, psychologically and physically by gender-based violence. I concluded by explaining that gendered institutions and structures can become effective barriers to women's political representation and gender quotas policy reforms.

### **Key findings from the stories of adoption and implementation**

The case study has revealed that the overall process of adoption and implementation of gender quotas in South Sudan is beset with a series of gendered resistances which are embedded within the rules-in-use and wider norms. This implies that women's access to politics through reserved quotas or other seats is still a battlefield. On the one hand, gender quotas are enshrined in both the legal framework and electoral law, and there is continued evidence of strong rhetorical support from political elites for quotas, in part because of the continuing influence of international norms including CEDAW and UNSCR 1325 (see chapters six, seven and eight), but on the other hand the new political institutions are deeply embedded within traditional norms and power dynamics which blunt the reformist potential of the quotas. Political

institutions are gendered and therefore understanding their processes and practices is crucial to understanding the success and shortfalls of quotas (see chapter three). The thesis has examined the interaction between formal rules and informal norms, and between old and new ideas, as well as actors' interests and perceptions. It has argued that legacies and actors are significantly important in the new institutions.

Electoral design distributes power to parties in particular ways, including the allocation of seats for women. I have argued that the particular design together with the promotion of perspectives that uphold women's rights, and gender quotas, have encouraged women to enter politics. This is because the design challenged the traditional patriarchal system and created an environment conducive to aspiring female politicians. However, the reserved-seat quota design using a closed list has also *reduced* the potential impact of gender quota in terms of transforming the wider system and political culture (see chapters two, three and seven). Although in theory the formal design of quotas does not debar women from contesting other types of seats, in practice the existence of reserved seats serves to concentrate – and, arguably, marginalise – women. The case study demonstrates that considerable obstacles hampered female aspirants seeking candidacies through the party lists and geographical seats. There were resource constraints, breaches of rules, electoral manipulations and gaps between the enactment and enforcement of rules (see chapters seven and eight). This suggests that rules-in-use and informal norms are critical in the translation of institutional design into everyday practice. As stated earlier, the lack of ranking order and oversight mechanisms paved the way for the emergence of informal rules and norms for candidate recruitment, resulting in contradiction and double standards.

In the next section, key findings are drawn out from the empirical data presented in chapters five, six, seven and eight. A set of enabling and constraining factors emerges from the stories of adoption and implementation, and these are analysed using the organising themes of legacies, actors and key players, institutional design and rules-in-use.

### *Explaining adoption*

**Legacies:** There are a number of legacies – both enabling and constraining – which are important to the stories of adoption and implementation. On the adoption of gender quotas, there is the legacy of traditional and deeply patriarchal social relations and institutions which, for generations, have assigned to women a subordinate role (see chapters three, five and also Fitzgerald 2002). Traditionally, South Sudanese women were viewed as the carriers of family and household responsibilities, and were dependent on kinship ties, and on family and clan members. This legacy continues to have an impact in terms of patriarchal social relations and unequal access to resources and services. It also continues to perpetuate prejudice and gendered stereotypes (see chapter six). It affects women's personal status, the family, citizenship and other issues, and can also influence women's opportunities to develop capacity to participate in political programmes. For example, it may allow discriminatory citizenship laws that prevent women – but not men – from passing on their nationality to their children, thus depriving children of the right to vote once they reach the age of majority. The discriminatory laws may also prevent women – but not men – from contesting or voting (see chapter three and five), thus depriving women of their rights to be elected or to select their representatives.

In terms of politics, the legacy gives rise to enduring discourses which portray women as unfit to participate in the public sphere (as discussed in chapters five, six and eight). By tradition, men were considered sufficient to represent the ideas of the entire household. Women's exclusion from electoral processes based on cultural practices, illiteracy and ethnic conflicts persisted even after they had secured their right to vote (see chapter five). This legacy continues to limit their democratic rights in terms of unequal access to the services of political institutions, resources and information. It also continues to obstruct women's participation in political parties' planning processes, internal organisation and implementation of gender quotas. This legacy affects women's presence in institutions and their capacity to challenge gendered institutions, informal rules and norms based on political actors' prejudices. The standards for candidate selection are constructed around acknowledging certain masculine values such as popularity and political drive which are lacking in most



women in the context of post-conflict reconstruction (see chapters six, seven and eight). Particular configurations of institutions may encourage or discourage the efforts to develop women's capacity in politics and women's rights in post-conflict reconstruction.

There are complex dimensions to the legacy of protracted conflict and civil war. As discussed in chapter five, the long-running civil war disrupted political and social structures. On the one hand, the war made women either direct victims of the militaristic parties by being killed, raped, forced into prostitution or displaced, or by becoming refugees or indirect victims of everyday violence, economic disaster and political turmoil. On the other hand, the disruption of social systems and patriarchal culture was an opportunity for women to acquire new skills that reshaped gender roles and patterns of kinship dependency. Chapter five showed the self-organising and consciousness-raising of women in the civilian setting and refugee camps, and of the women combatants and support personnel. Women formed small groups and received training on peace, women's rights and business development from NGOs and local government. The training empowered them to claim their rights and enhanced their ability to facilitate community peace education and dialogue which in turn helped to question the continued fighting and gendered power relations. In the refugee camps and the diaspora, women educated themselves, organised into small groups, provided an interface with the donor world and became a foundation for advocacy and lobbying activities for peace.<sup>200</sup>

The legacies of war provided resources for challenging the gendered status quo and supported the creation of a new, more gender-inclusive path. In this respect, a key turning point was the first SPLM Convention in 1994 (see chapters five and six). The convention was important because it marked the transition of the SPLM/A to democratic rule and recognised women's concerns and contribution to the cause of liberation. The convention's legacy (25 per cent representation in party decision-making structures) continued to have an impact in terms of future decisions by key actors in subsequent debates about constitutional and electoral design. For example,

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<sup>200</sup> Research discussion 2 with groups, 1 October to 30 November 2010.

the adoption of a 25 per cent quota in the Interim National Constitution (INC) was strongly contested by members of the drafting committee, who decided to adopt affirmative action instead. Yet in that context, South Sudanese politicians resolved to attach a 25 per cent quota to the affirmative action in their constitution, in line with the SPLM party ideology. Negotiators also ensured that the 25 per cent was integrated in the Elections Act (2008) and other laws (see chapter six). This legacy is important because it has increased the perceived legitimacy of quotas, created new opportunities and paths and given women legal grounds to demand quotas, increased representation and participation in political activities.

**Key actors and players:** The key actors of quota adoption are political elites involved in the agenda setting and decision making, while key players are organisations and institutions that mobilised for quotas adoption and implementation. Some key actors were helpful, while others were a hindrance. For adoption, the key actors were the top elites of the SPLM/A, who organised the first convention, engineered quotas and continued to support their adoption in the law and legal framework. In the context of patriarchal social relations and culture, women's access to political institutions may be possible through alliance building with key political actors, to translate quotas ideas in the local political context. For example, Garang translated quota ideas from past experience of marginalisation and exclusion, stating that women are the 'marginalised of the marginalised'. He included the matter of women's participation in the final list of agenda items, and continued to build a popular consensus about the need to recognise women because of their sufferings and past discrimination, as a basis for de facto legitimacy and a way of disseminating peace to the wider community (see chapters five and six). The individual actors' translation and internalisation of quotas based on context, historical discrimination and fairness (see chapter two; see also Mansbridge 2005, 1999; Phillips 1995), influenced the acceptance of quota as an innovative idea and strategy for increasing women's representation. As chairman, Garang played the key role in the discursive framework of the CPA to avoid the dilution of quota by male resisters or norms reactionaries from both the SPLM/A and the NCP Parties. This set the foundations of a quota path and continuity in legal frameworks and other policies (see chapter six).

Key players in the adoption of quotas were women's organisations and their allies from international organisations and agencies, and international and regional actors such as the United Nations and the African Union. Women's movement actors within and outside the country organised themselves, increased their awareness of political rights, forged alliances to support the cessation of conflict and demanded representation in decision making and in the adoption of quotas. The international and regional actors such as United Nations and the African Union have facilitated dialogues and awareness-raising about the significance of women's participation in peace building, and put pressure on the government to comply and to domesticate women's political rights. The institutions provided technical and financial support, and created space for women's involvement in the crafting of new constitutions and laws, including the adoption of gender quotas.

**Design:** There are several elements in the institutional design which are important to the stories of adoption and implementation. They are both enabling and constraining. For the story of adoption, the first element is the choice of the mixed electoral system which includes reserved quotas seats, party lists, geographical seats and provisions for independent candidates to go for geographical seats. In the context of embryonic party systems where informal rules and norms are widespread, the establishment of women's lists was very significant. On the one hand, it is easy to implement and has no competition with men, and quotas encouraged many women aspirants to come forward. It also protected women's seats from being grabbed by male candidates. On the other hand, the design had a gender dimension as it created an institutional environment which privileged certain groups of women over others and may have recruited loyalist, elite women and unskilled candidates. This continues to have an impact on the status of quota women as it stigmatises and labels them, increases resistance within the party, and undermines women's capacity to challenge the status quo of gendered norms (see chapters three and seven).

The mixed electoral design does not confine women to reserved quotas, but it reduces the possibilities of women being elected through other seats by not obligating political parties to select women or improve the institutional environment (see chapters six and eight). The design includes rules governing quotas such as

district size, closed-list PR, positive wording of quota policy, and guidelines for allocating seats to candidates from top to bottom. These are key elements enabling the success of quotas by predicting the average number of seats for women per district and guaranteeing the selection of many female candidates through a closed-list system. However, in practice, the electoral design does not create a conducive institutional environment for female aspirants. In particular, aspirants running for majority seats encountered significant resistance, demonstrating the existence of old gendered practices and informal norms interacting and coexisting with new institutions to undermine women's access to political power (see chapters seven and eight). For example, women were constrained by lack of resources, and were physically attacked, shunned, 'bad-mouthed' or humiliated during campaigning. As respondent candidate 8 described, "It was tough ... We were confronted by men, we were being de-campaigned. They were telling people that these are greedy women; they already have 25 per cent ... why [do] they want more seats?"<sup>201</sup> Such practices have an impact on female candidates emotionally and psychologically and undermine initiatives aimed at strengthening women's capacity to compete in mainstream seats and to advance women's rights.

**Rule-in-use:** The rules-in-use include both formal and informal rules and norms of candidate recruitment. There are a number of rules-in-use – both enabling and constraining – which are noteworthy as regards the stories of adoption and implementation of quota. Gender quotas are new formal rules that require political institutions to reserve 25 per cent of seats for women. The current quota rules require candidates to be of Sudanese nationality, aged twenty-one years or above, of sound mind, literate and without a criminal conviction in the seven years prior to nomination. The rules also direct the selection of candidates from the list, as stated earlier. However, there are no sanctions or penalties for non-compliance, and no objection procedures (as illustrated in chapter five). Some rules with regard to standards such as literacy do not specify the level of education. This creates a source

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201 Research interview 8 with candidate, 23 October 2010.

of informal rules in the translation, in that parties may set too high or too low a standard in recruiting certain groups of women, including loyalists and unskilled women (see chapter seven). Chapter seven discussed the major roles played by the SPLM Party in setting internal rules of the game such as the nomination and selection of aspirants from the grassroots, communication with grassroots structures, and ranking procedures. It also set rules regarding payment of subscription arrears, experience, and capacity to represent the party, but did not establish oversight mechanisms or internal disciplinary measures for non-compliance. These are significant sources of informal rules and norms about candidate recruitment which resulted in discrimination, rule-breaking and in some places partial compliance with quota rules. Particular arrangements or informal institutions may encourage the recruitment of token candidates and discourage potential female candidates from coming forward, thus reducing the legitimacy of a democratic government (see chapters three, seven and eight), and weakening the development of women's policy.

The gender quotas are new formal rules but they are also backed by informal rules and social norms of Bigmanism which can emerge through learnt behaviour in particular contexts. The Bigmanism norms have both positive and negative influences on the quotas. On the positive side, the norms can encourage rulers with limited formal checks on their power to capitalise on their positions of influence, or provide alternative norms and practices in complex periods of transition where gender reform was questionable (as discussed in chapters three and six). For example, the SPLM/A chairperson added the agenda item of women's participation independent of other members of the Central Organising Committee. The personal nature of the influence is viewed as a better guarantee for both clients' (women) and patrons' continuation in power. Bigmanism norms can also influence change when severe conditions lead to altered social values, such as the attachment of 25 per cent quota to the affirmative action policy in the ICSS (see chapter six). The Bigmanism rules embed competition between rival elites in which the more powerful group is perceived to win; for example, the debates between NCP and SPLM parties over the adoption of gender quota in the Interim Constitution and Elections Act (2008).

On the negative side, Bigmanism norms about patron-client relationships can make power, resources, services and opportunities available only to a few political actors or to those affiliated to top political actors. In such situations, supporters can access resources and opportunities in exchange for loyalty and commitment. For example, the manipulation of women's lists and the replacement of potential candidates with loyalists or favoured individuals is a good example of how the Bigmanism norms operate (see chapters seven and eight). Bigmanism can undermine quotas and the future prospects for women's political representation, as stated by one interviewee: "If one selected has to be a favourable candidate to make it to the list, then quotas will not be effective."<sup>202</sup> Political actors may also use gender-biased standards, rules and norms entrenched in patronage politics to underrate women's merits and specific abilities – for instance, when marital status is used to challenge a female candidate for contesting in her home county instead of her spouse's county, and when female candidates are recruited due to being related to, or from the same clan as a key political actor. In such cases, the method used to select women risks the efficacy of quotas, as remarked by respondent candidate 7: "The process has ended up having a husband and a wife in the assembly."<sup>203</sup>

The gender quotas as new formal rules are also backed by women's organisations and their allies from international organisations and agencies such as UN Women. This backing has considerable advantages and disadvantages which are notable in the stories of the adoption and implementation of quota. As organisations committed to gender equality, they support quotas on grounds of justice, fairness and differences. They use similar arguments to those put forward by scholars (see chapter two) to back up initiatives for instituting gender quotas. They recognise that traditionally, South Sudanese women were confined to the private sphere and bound to kinship ties, as such male domination and control in all decision-making levels from the household to the public sphere. It is therefore unjust for women to remain marginalised, whilst they make up the majority. There is recognition that in the post-

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<sup>202</sup> Research interview 3 with candidate, 23 October 2010.

<sup>203</sup> Research interview 7 with candidate, 8 November 2010.

conflict setting, the legacies of patriarchal social relations, gendered norms and combatants' behaviour are enduring in political institutions. These legacies continue to impact women in terms of unequal access to resources, power and services. Such legacies, too, continue to preserve culture, prejudice and gendered stereotypes. For example, initiatives to promote gender quotas in the CPA and legal framework, and political meetings organised by weakly structured parties, tend to be aggressive, with patronising attitudes displayed towards women who challenge men or gendered norms (see chapters six and eight). Such a situation affects women's personal status, undermines their citizenship rights and discourages them from developing their capacity to participate in political programmes and voice their concerns. Women coming from conflict situations are in most instances ill-equipped and not secure enough to vie for political office. Hostile political environment and absence of women in post-conflict reconstruction and institutional design can undermine gender in the crafting of policies and programmes (see Dahlerup and Ballington 2006; Lovenduski 2005; Mansbridge 1999; Phillips 1995). It is an experience observed in the drafting of CPA and INC, where the 25 per cent quota was profoundly contested and later dropped off the agenda (see chapter six). Although women in post-conflict have rich knowledge and experiences through being more impacted by war than men, they possess inadequate organisational and political skills. In most cases, their concerns may be discounted or diluted in political arena. According to interviewees, many concerns about reproductive health, insecurity and economic development have not been adequately represented by male legislators in the interim period. Thus, introducing reserved quotas is essential not only for the legitimacy of democracy, but because women need more time to organise themselves and to learn the rules of the game for effective influence in policy processes. More importantly, women have different interests and concerns that need to be articulated by women and represented by women (see chapter two). The reserved quotas system guarantees women's access to politics because it compels political parties to allocate a certain percentage of seats

for women. For this reason, women's caucuses and other organisations have claimed that the political environment is getting friendlier to women's issues.<sup>204</sup>

As patriarchal social relations are enduring in new institutions, women's organisations and their allies acknowledge that promoting reserved quotas will rapidly increase the number of women elected, and help to achieve the critical mass of 30 per cent required for policy change (see chapter two). The actual number of women is important in creating a significant block to influence the dominant group and challenge the dominant group, institutional bias, gendered practices and norms (see, for example, women's caucuses and future prospects for quotas later in this chapter).

Women's organisations and their allies recognise that in the context of informal rules and norms, women's access to politics is undermined by actors' prejudices and biased rules. For example, elite men or influential male candidates can successfully bargain with or influence the Electoral College to select them or take women's seats; this is not the case with female aspirants. Corruptible actors or selectors may easily exclude female candidates in favour of male candidates (see chapter eight). However, the interviewees in my case study indicated that the reserved quota has exerted a huge impact on the course of women's political representation and the discourse of gender quota. For example, quotas have created space to raise consciousness about women's socio-economic development and political rights. Such awareness has encouraged women to challenge the patriarchal culture, gender-based violence and harmful traditional practices. Increased awareness of their political rights, and representation, have also empowered women to 'act for women', for example when female members of the selection committees exposed breaches of rules, gendered discrimination and exclusion of female candidates (see chapter eight).

Many interviewees claimed that quotas women can influence women-friendly policies, because of shared experience and the history of having lived through socio-economic and political marginalisation (see chapter two). They illustrated this by

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<sup>204</sup> Research discussion 4 with groups, 5 June 2011.



recalling how women threatened to not vote for male candidates if parties allocated quotas seats to men, and the ways in which women collaborated to unseat the male parliamentarians who grabbed reserved quotas seats in the first parliament (see future prospects of quotas later in this chapter). The promotion of reserved quotas as a new path has also propelled the SPLM Party to strengthen its commitment to and continuity of quota by adopting progressive language in its 2008 constitution. Items 1.2.5 and IV: 4, 5, recognise the marginalisation of women and reaffirm that “affirmative action (25 per cent) in favour of women shall continue until all inequalities [that] persist are addressed”.

On the other hand the decision to promote this type of quota has also constrained women’s political representation, and quotas reform. Reserved quotas have encouraged the continuity of informal rules and norms of candidate selection, resulting in more compliant candidates who cannot challenge the gendered norms (see chapters seven and eight; group discussion).<sup>205</sup> According to interviewees, such practices have resulted in backlash, reducing women’s personal status and initiatives to develop individuals’ political capacities. The backlash is a result of women being seen as not delivering for women, but prioritising political parties’ and actors’ interests. Others said that quotas change the number of women’s representation, but do not guarantee women acting for women or establishing stringent accountability to women as a group (see chapters two and seven). Still, some agreed that women are different, with varying interests, which makes it hard to unite and to develop a shared agenda. Specifically, this was observed in the constitutional review, where there was division and lack of solidarity between women’s organisations, the women’s caucuses and female executive members (see chapters six and nine; interviews with women’s caucus).<sup>206</sup> According to the interviewees, female members of the review committee who were also the executive members were reluctant to cooperate with women’s caucuses to demand 30 per cent quotas.<sup>207</sup> It is for these reasons that

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<sup>205</sup> Research discussion 5 with group, 5 April 2011.

<sup>206</sup> Research discussion 5 with group, 5 April 2011.

<sup>207</sup> This issue was confirmed in an e-mail interview 10 with researcher, 26 January 2012.

promoting reserved quotas in the context of informal rules is seen as creating token women, in the sense that the few who get selected to the top positions become barriers to women's agendas, and in most cases disempower women and discourage potential female aspirants from coming forward. This fact complicates the relationship with feminist projects of political empowerment, in that quotas can be seen to reach the political agenda for different reasons and goals rather than empowering women.

### *Explaining implementation*

**Legacies:** As mentioned earlier, there are a number of legacies, both enabling and constraining, which are important to the story of implementation. There are legacies of past policy decisions and practices which, during the authoritarian regime, assigned to women a subordinate role. Traditionally, *Sharia* law enhanced the religiosity of politics and the negative attitude toward gender equality in the public sphere (see chapter five). It instituted rules and norms that restricted women's participation in politics, thus making women dependent on kinship ties and male members of the clan. This legacy is enduring in terms of ongoing patriarchal social relations and unequal access to resources and services. In some patriarchal traditions, such as in the northern states of South Sudan, women's access to politics remains problematic. International human rights standards and UNSCR 1325 require full and equal participation of both men and women in electoral processes. In practice, however, this customary culture weakens their potential to participate in electoral processes, which involves freedom of speech and decision making, assemblage and association with the public at large. It also undermines women's participation in public affairs, and their ability to campaign and run for political office.

Another complex legacy of past decisions is the legacy of the authoritarian regime which infringed many agreements concerning power distribution and cessation of hostilities (see chapter five). The authoritarian regime also considered Southern Sudanese women as 'rural women'. The long-running civil war had a differential impact on men and women, and on Northern Sudan's and Southern Sudan's women, but Southern Sudanese women were more marginalised because of

unequal access to resources, power, education and information. While women from Northern Sudan were appointed by the authoritarian regime to ministerial and ambassadorial posts, and some were allocated seats for provincial representatives, in Southern Sudan only a few women accessed seats to the Southern Sudan Regional Assembly (see chapter five). This legacy of marginalisation continued to deny women access to decision making and to maintain unequal power relations even after the decision to adopt quota had been approved. For example, the commitment was made to incorporate women into SPLM/A decision-making structures after the Chukudum convention, but during the Interim Period gender quota fell short of 25 per cent representation (see Table 9.1).

In terms of quota implementation in the Interim Period, the legacy gave rise to persistent resistance and contestation which depicts women as unfairly privileged in being granted quotas for political representation. There has been gendered resistance, in the form of new dialogues, reassertion of masculinity and combative behaviour in the adoption of quotas in the INC and TCSS (see chapter six). Such practices reveal the extent to which new institutions are shaped by past legacies of old rules and practices, and ongoing interactions with other institutions. This legacy is important because it reveals the institutional environment and ways in which old gendered practices and informal norms may constrain progressive gender reform. It has, however, enabled women to put pressure on political parties to adopt 25 per cent quotas in the manifesto and commit to implementation in the April 2010 elections (see chapter five).

There is a legacy of past Sudanese elections and rule-breaking. Historically, electoral rules and practices often deviated from the formal rules, due to political manipulation, resources and electoral officials' interests (see chapter five; and Willis and el-Battahani 2010). This legacy continues in institutions of political recruitment in the form of creation and recreation of new rules, norms and gendered structures. The establishment of ECs did not involve all party members, male and female. Neither is it known why some potential female aspirants failed at this stage. One

interviewee suggested a reason: “... I think power lies in the EC members – a number of people failed at this process ...”<sup>208</sup> Other interviewees said that the EC exercised too much power (see chapter eight). On the one hand, the legacy of earlier elections denied women access and political opportunity because of actors’ prejudices, gendered rules and stereotypes (see chapter six). On the other hand, the legacy provided grounds for women to demand and safeguard their electoral rights. For example, women organised across party lines and developed a women’s common agenda for elections. They also built their capacities and used the common agenda to challenge the gendered rules and norms in institutions of political recruitment. Women participated in electoral processes in different roles, including as candidates, voters, observers, watchdogs, civic educators and selectors. Their presence transformed the institutional environment, in the sense that they exposed the electoral malpractices and ensured that women’s seats are taken by women (see chapters seven and eight).

**Key actors and players in the implementation:** There are key actors and players who are important in the story of implementation. The key actors are electoral bodies, political institutions and elites involved in rule making, candidate recruitment and decision making. The key players are female candidates, organisations and institutions that promoted and supported the implementation of gender quotas and women’s representation. Key actors in the implementation of quota are institutions of political recruitment, party selectors, and policy and law makers such as the NEC. Political actors are important for policy transmission, in the sense that they create and recreate rules and strategies to increase women’s representation according to political incentives. Actors set structures and regulate internal rules and recruitment standards. On the one hand, key actors can build up a popular mandate to generate a strong drive for quota implementation, but on the other hand, the implementation may be negated or contravened. This means that actors may translate the idea of quotas, and internalise it in their own political ideology, but nevertheless be reluctant

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<sup>208</sup> Research interview 1 with candidate, 15 August 2010.

to implement (see chapters six, seven and nine). For example, the SPLM Party announced a 25 per cent quota in all structures in the 2010 elections, and reaffirmed this commitment after the elections. However, the new cabinet of ministers at national and state government and other decision-making levels had less than 25 per cent women's representation (see chapter nine). Key actors have also contributed to the implementation of quota in different ways, such as allowing female members to collaborate with feminists to build their capacities, and worked together to advance women's common agenda for elections.<sup>209</sup>

**Key players** in the implementation of quotas are female candidates, the Ministry of Gender Child and Social Welfare, religious and local government elites, women's organisations, the media, international development agencies and academics. In the context of strong patriarchal social relations, high levels of illiteracy, and informal rules, massive awareness-raising campaigns and sensitisation are needed for the implementation of quotas. In chapter seven I discussed the role of different groups in creating awareness, integrating gender into electoral processes, information sharing, and facilitating dialogue with political institutions. Female candidates are key players in the game of politics as they are directly or indirectly affected by the rules-in-use and norms, while women's associations are key players for mobilising, funding and building the capacity of female aspirants.<sup>210</sup> The associations, along with their allies from international organisations, collaborated with the Ministry of Gender (MGCSW) and women's caucuses to promote quotas. They promoted alternative norms by creating awareness of the electoral rules and processes; challenged informal norms; and trained those at gender focal points in the electoral structures. They also facilitated the dissemination of information and communication materials, resulting in the increased presence of women in electoral activities. The activities

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<sup>209</sup> See also 'Women organizing for new constitution'. Available from <<http://www.splmtoday.com/index.php/news-mainmenu-2/731-splm-womens-league-set-to-adopt-constitution>>. Accessed 15 November 2011.

<sup>210</sup> Research interview 28 with key player, 07 June 2011.

ensured that political institutions implemented quotas and minimised contradiction in rules interpretation.

**Design:** There are also elements in the electoral design which constrain the successful implementation of quotas. The PR system lacks placement mandate, sanctions for non-compliance, an oversight system and ranking order in both party and women's lists (see chapters seven and eight). Such gaps caused considerable conflict in the SPLM Party because not all women were selected from the list, and not all members in the list were preferred by the electorate. In a closed-list system, the electorate votes for a party and not a candidate. On the one hand, the reserved quota with PR and the closed-list system increased the number of women elected by a party. As stated earlier, it is less competitive, economical in terms of resources used for campaigning and registration, and provides opportunities for women to learn the new rules of the political game. On the other hand, the closed lists were vulnerable to manipulation. There was a tendency to re-rank and place party stalwarts and veterans on top (see chapters seven and eight). In the context of patronage-clientelist politics, informal rules and norms of candidate recruitment can be employed to recruit party loyalists and elite women with good bargaining power. For that reason, it might be argued that the closed lists disempower women because of the particular interference of patriarchal culture, which considers politics as 'men's businesses. There is norm erosion, and undermining of women's personal status, freedom of opinion and speech, and their ability to represent their communities. Evidence shows that some candidates elected in this manner have been unable to effectively engage in political debate and represent women's policy concerns, as remarked below:

When one woman complained she 'could not hear', another MP asked what she was doing in the house if she didn't know what was going on. She replied 'My people brought me here'.<sup>211</sup>

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<sup>211</sup> Fitzgerald (*forthcoming*) interview with Acuil Malith Banggol, an influential member of the SPLM Party secretariat.

They put their own friends or people, from their own clan, who have no idea about their community problems ... they keep quiet in parliamentary debates ... they don't know how to engage in politics, but they are there to represent women!!<sup>212</sup>

This is an important issue of institutional design, illustrating the ways gaps in quota rules can result in informal institutions controlling access to resources and power and constraining quotas reform and feminist goals (see chapter three). In this case, the reserved quotas may encounter backlash, increase stigma towards quotas women and reduce their ability to advance ideas about women's rights.

Another issue resulting from the design of quota is that aspirants running for such seats must be members of political parties. This requirement has an impact on women candidates in the context of patriarchal culture and poorly organised party structures. In such a context, female candidates running for quota seats need to appeal to the traditionally male party selectors who employ gender-biased standards such as moral aptitude, family and social relations. Parties, too, employ informal norms which disregard women's merits and abilities – for example, the ability to finance campaigns; popularity; political drive; and partisanship. Most female aspirants with limited experience or access to resources and connections were unsuccessful. An electoral design providing for primary elections and independent candidates through quota seats might reduce discrimination, and increase women's interest in developing their capacity to run in future elections. For example, the South Sudanese electoral design provides for independent candidates in geographical seats. It is an opportunity that helped a politically eliminated candidate to run in the 2010 elections, and win (see chapter eight).

**Rules-in-use:** As stated earlier there are a number of rules enabling and constraining quota. During implementation, quota rules were imperfectly implemented, subject to random change, and were undermined by older informal rules. The perceptions about women's incapacity for politics and public affairs has continued to prejudice and exclude some aspirants, and has also encouraged the recruitment of 'yes' women,

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<sup>212</sup> Research interview 9 with respondent, 30 April 2011.

loyalists and unskilled candidates who are connected to powerful men (see chapter seven). Such women tend not to challenge the status quo or gendered norms. In the context of informal rules and norms, new political institutions have been organised as ‘old boys’ clubs favouring close friends or family members, thus continuing to discriminate against women. For example, *formally*, the nomination of candidates was supposed to start at the grassroots level. In *practice*, the primary elections were scrapped and an EC established without wider communication. It is unclear how members of the ECs were recruited, but they established numerous norms and SOPs that gave selectors excessive power. The selectors manipulated the selection processes by re-ranking names of candidates; placing their favoured candidates and eliminating some candidates from running for geographical seats (see chapters seven and eight).

Rules-in-use are sometimes most clearly observed in their breaking. Women contesting candidacies for mainstream seats provoked a firestorm of criticism from male candidates and some male selectors. According to interviewees, these women encountered strong gendered resistance and opposition: “We went through a lot ... like *hell on earth* ... we were 5 (4 from SPLM Party and 1 independent), we wore the same blanket of insults ... not all women are able to tolerate these type of assaults.”<sup>213</sup> Male contenders and other notable male officials from opposition parties deliberately misinterpreted the quota rules during campaigning, telling voters that it was illegal for women to run beyond their share of 25 per cent. Some women were mocked, shunned and called greedy because they were running for *men’s seats*, attention being drawn to the alleged inappropriateness of female candidates running for election through mainstream seats (see chapters seven and eight). This suggests that women are allowed into the political sphere but only as ‘quota women’, hence the creation of a separate sphere. The reaction and resistance of many male political actors highlights an informal rule or norm which these women candidates were perceived to have broken. Although the formal rules allowed women freely to contest

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<sup>213</sup> Research interview 7 with candidate, 8 November 2010.



constituency and party list seats, the informal norms allowed key male actors to present them as ‘greedy’ and illegitimate candidates, stepping outside their demarcated space (the reserved list).

Gender quotas as new rules also are gendered, with processes that give privileges to certain groups over others, thus sustaining discrimination and undermining feminist goals. For example, women running for quotas are perceived to be more advantaged than women running for geographical seats, because they do not compete with men. Campaigning is undertaken by a group of female candidates and not by individual candidates, hence is cost-effective and with greater solidarity. The system of quota does not require an applicant to be endorsed by several people, as applicants for geographical seats must be. Although all female candidates encountered some kind of gendered resistance in the 2010 elections, candidates running for geographical seats were most affected. Some were eliminated in the process politically, while others were ridiculed and abused by male contenders, male party officials and voters. In terms of resources and campaigning, female candidates running in geographical seats were seldom supported by their parties. This means that there are more advantages associated with reserved quota seats than geographical seats. This situation may undermine the capacity-building programmes for women to compete through geographical seats, and encourage other women to develop bargaining power and influence party selectors to maintain them in reserved seats in future elections. In the context of Bigmanism rule and informal norms, local party selectors may accept inducement to maintain some candidates in the list, thus denying potential candidates access to power and resources, causing conflict and undermining quota reform.

## **Other key findings**

### *A new institution but old rules and norms: Why does the gap exist?*

The 2010 elections returned high proportions of women parliamentarians in both national and state assemblies (Table 9.1). In the South Sudan National Legislative

Assembly (SSNLA) 54 women out of a total of 170 (32 per cent)<sup>214</sup> members were elected. This was an overall increase of 13 per cent from the previous number of women (19 per cent) in the first appointed assembly, largely because of quota provisions. Similarly, in the state legislative assemblies 136 women out of a total of 480 (28 per cent) members were elected after the 2010 elections compared to the 109 out of 480 (22 per cent) before the elections. That is an overall increase of 6 per cent, as shown in Table 9.1. While the target for women's representation has been achieved in the assemblies, gender quota remains contested as a norm, drawing attention to gendered power relations and the ways in which informal rules and norms counteract women's increased access to resources and their presence at formal decision-making levels. For example, although the principle of quotas is supposed to apply at all levels of decision making, there has been less success at implementation (Table 9.1), with ongoing contestation and resistance. It is a major concern, showing the gap between policy and practice, and draws attention to the complexity of quota reforms, possible backlash, and norm erosion. On the one hand gender quotas are enshrined in the constitution and electoral law, and there is continued evidence of strong rhetorical support, partly under the continuing influence of international norms such as UNSCR 1325. On the other hand, the new government structures and institutions continue to operate according to hidden rules and norms that exclude women from powerful positions.

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<sup>214</sup> The figure includes the few women elected through geographical seats and party lists.

**Table 9.1: Numbers of women in decision-making levels before and after the April 2010 elections**

Categories	Before 2010 elections			After 2010 elections		
	Total	Women	%	Total	Women	%
Executives	21	2	9.5	29	5	17
Deputy Ministers	-	-	-	27	10	37
ROSS (SSNLA)	170	32	19	170	54	32
State Assemblies	480	109	22	480	136	28
Chairpersons SSNLA Committee	15	4	20	18	5	27
Governors	10	1	10	10	1	10
Presidential Advisors	6	1	16	11	1	9
Undersecretaries	21	1	5	27	4	14
Heads of independent Commissions	15	3	20	20	2	10
Ambassadors	-	-	-	90	9	10

*Source:* ROSS official website. Available from <<http://www.goss.org/>>. Accessed 20 October 2010; Ministry of Parliamentary Affairs, 2011, Juba.

The informal rules shape appointment procedures and perceptions of ‘qualified and experienced’ candidates. While it can be argued that under-representation was compounded by the absence of qualified women in the wake of conflict,<sup>215</sup> this thesis argues that the under-representation is a result of gendered institutions which preserve old norms, practices and legacy of past decisions. For instance, traditionally, governorship positions have been assigned to men, but in the April 2010 elections, a few women applied and contested for the positions. On the one hand, this suggests that equipping women with knowledge and leadership skills is important because it can encourage them to compete with men in traditionally male-dominated institutions and therefore defy gendered norms and patriarchal social relations. On the other hand, it reflects the continuity of institutional barriers including norms and resources constraining women from competing in a male-dominated arena, as pointed out by an NEC official: “Most women were unable to raise money as

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<sup>215</sup> MDG Interim Report 2004 shows that illiteracy among women is 88%.

candidates for geographical constituencies and governorship. These positions demand a lot of money.” (Jersa Barsaba, cited in *GEM News* 2009)

The institutional barriers are also reflected in the election of women through geographical seats and party lists. Table 9.2 shows that there is a low proportion of women parliamentarians elected through geographical constituencies: 6 out of 102, and 11 out of 290 in national and state assemblies, respectively; and 5 out of 25, and 5 out 70 through party lists in national and state assemblies, respectively.

**Table 9.2: Number of women elected divided by the type of seats**

Category	Geographical Seats	Party lists	Women's lists	Total	Women	%
ROSS NLA Assembly	6 (out of 102)	5 (out of 25)	43	170	54	31.77*
State Assemblies	11 (out of 290)	5 (out of 70)	120	480	136	28.33

\* The current number of women in the SSNLA is 33% including special appointments (ROSS, 2013)

The low proportion of women (11) elected through party lists and geographical constituencies, suggests that barriers still remain and that political parties are reluctant to put forward a large number of women for geographical seats or party lists (see chapters seven and eight). For example, none of the parties adopted voluntary quotas in the party lists despite a call by the Minister for Gender, Hon. Lasuba, and the declaration of a women's common agenda. Structures for advancing women's representation, such as parliamentary committees on gender and youth, have yet to lead to dialogues to challenge gendered institutions embedded in informal rules and norms.<sup>216</sup> In the context of informal rules and a patriarchal culture, the interaction of old and new decisions can operate to support and replicate gendered patterns of behaviour or set standards to normalise exclusion of women. For example, although there is continued support for gender quotas and positive political

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<sup>216</sup> Research discussion 4 with groups, 5 June 2011.

commitment, reaffirmed by the President as shown below, the implementation is still at a rhetorical level:

For that reason I promised that, during my term of office, I shall work to ensure raising women representation in constitutional posts in my government (advisors, ministers and heads of commissions) to 30 per cent ... I call upon the cabinet to ensure that this ratio is progressively attained in positions of departmental undersecretaries and directors-general before the end of my term in office ... Furthermore, I shall not settle for less than the full implementation of, and compliance with, all international and regional conventions relating to women. (President Salva Kiir's Speech after the April 2010 elections in South Sudan)<sup>217</sup>

This suggests that the cultural codes of gendered norms contradict the attitude and actions of the actors in South Sudan. The 25 per cent quota is currently not observed at all at executive levels in the state governments (Table 9.1). More women have been appointed as ministers, deputy ministers, and undersecretaries, chairpersons of parliamentary committees and heads of independent commissions (Table 9.1). However, gendered power relations remain a challenge and the power-sharing formula used for the creation of the government is not transparent. The number of advisors at state level is, on average, less than 25 per cent, while at national level there is only one woman out of eleven presidential advisors (9 per cent). The government appointed ambassadors following the independence of South Sudan, but only 9 out of 90 (10 per cent) of them were women.<sup>218</sup> An Austerity Measures Committee of 15 members established recently by the President has no women members at all. Women ministers continue to be positioned in social and economic welfare ministries: Gender, Child and Social Welfare; Labour, Public Service and Human Resource Development; Agriculture and Forestry; Transport; Housing and Physical Planning; and not in the strategic ministries such as Finance, Security, and Foreign Affairs. This skewed representation and the appointment of

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<sup>217</sup> Speech available from

<<http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/3621/Kiirs-Inaugural-Address-Outlines-Wideranging-Priorities.aspx>>. Accessed 28 December 2011.

<sup>218</sup> AWID (2012) Available from <<http://www.awid.org/Library/The-Role-of-Women-in-Nation-building-in-South-Sudan>>. Accessed 15 September 2012.

women to welfare ministries is a gender bias, showing the ways in which new institutions continue to embrace old rules and past legacies of male domination and downgrading of women.

Furthermore, the Ministry of Gender Child and Social Welfare is technically and financially under-resourced compared to other ministries such as security, internal affairs and economics. It lacks adequate capacity to support other sectors to mainstream gender and to oversee the implementation of gender quotas.<sup>219</sup> The marginalisation of the MGCSW diminishes its technical power to mainstream gender into social policy, and apply tools and approaches for integrating, tracking and reporting (UNIFEM 2010). As a representative of Norwegian People's Aid told me, "There is little high-level commitment to demanding the implementation of the commitments to women made by the government, particularly on gender quota in decision making."<sup>220</sup> Generally, the gap between policy and practice observed in Table 9.1 undermines gender quota and intensifies gendered power relations, including the ways in which management, authority and appointments are carried out alongside gendered dimensions. The gap illustrates the way in which 'old rules' and past legacies continue to shape new institutions and may work to prevent new institutions upholding gender equality.

Although quota has been adopted, its implementation remains elusive, constantly contested and constrained by actors' interests and old rules. On the one hand the contestations undermine feminist initiatives to advance women's political representation. On the other hand, the contestations provide resources to feminists to challenge the gendered institutions for breaking the rules of quotas as observed in the most recent cabinet reshuffle in July, 2013. The President appointed two women out of 19 national ministers in total. The women's caucus appealed to the President to observe the 25 per cent quota policy. The President then increased the number of

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<sup>219</sup> Research interview 12 with key player, 19 October 2010.

<sup>220</sup> Research interview 16 with key player, 29 October 2010, from Norwegian People Aid (NPA), an international organisation promoting gender equality and the empowerment of women in South Sudan.

female national ministers to five and appointed five female deputy ministers.<sup>221</sup> The implication is that change in institutional power dynamics and non-compliance with quota by the presidency in previous cabinets, had normalised the repeated exclusion of women from power, thus creating a new informal institution.

Findings from the case study also show that gendered resistance, negative perceptions about quota women and differences among elected groups that appear during campaigns, tend to stop once women are elected, as illustrated below:

We are the same, but with slight differences. MPs elected on geographical constituencies need special treatment like men. They need recognition, but they have been reminded that they are there for women, not for the seats that brought them to the parliament ... There are a lot of expectations from the community on what the elected women will deliver compared to the men.<sup>222</sup>

There is still a negative attitude ... Some men think it is favouritism, a gift to women. Masculine culture and traditional beliefs disregard women's contribution.<sup>223</sup>

No difference at all ... but in the beginning they [women elected through geographical seats] were well recognised by other legislatures to be different from 'other women'. Then the Ministry of Parliamentary Affairs (MPA) invited NGOs from South Africa, Kenya and Uganda to conduct a workshop for women MPs. The workshop helped to bridge the gap among ourselves.<sup>224</sup>

No big difference. Quota women could as well win in other seats if well supported financially. We all campaigned to be elected ... Some women under geographical constituencies say. 'We are powerful, we are not like quota women' ... Some quota women feel that their status is devalued, because they are not respected like geographical constituencies' MPs.<sup>225</sup>

The different voices of women presented in this section underpin the arguments for and against quotas presented in chapter two. The perception about quota women,

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<sup>221</sup> *The New Nation*, South Sudan's Quality Paper, 18 August–1 September 2013.

<sup>222</sup> Research interview 3 with candidate, 23 October 2010.

<sup>223</sup> Research interview 5 with candidate, 12 October 2010.

<sup>224</sup> Research interview 1 with candidate, 15 August 2010.

<sup>225</sup> Research interview 6 with candidate, 8 October 2010.

the way of thinking and valuing them suggests that institution is doing gender in daily political life, and that gender can be a complex institutional legacy to reform (see chapter three). It also shows that gender quotas remain contested as rules and norms, and can undermine women's access to politics.

### *Why are informal rules and norms so important?*

Informal rules are hidden and uncoded but are vital because they can be sanctioned as much as formally agreed rules. Informal rules coexist with formal rules, and interact with, override or operate in parallel with formal rules to guide or strengthen them (see chapter three). The interaction between formal and informal rules has a differential impact on men and women, but women are more affected because of their limited access to power, resources, networks and information. For example, informal rules and norms such as patronage and old-boy networks can be used to select favoured sons and loyalists, and to counteract women's increased access to politics (see chapter eight; research discussion 2).<sup>226</sup> The impact of informal rules and norms on women is well understood when gender is considered as a relational concept and an analytic category (see chapter three). For instance, informal rules and norms for the recruitment of women candidates may be designed from qualities found largely in men or masculinity such as political drive, partisanship, popularity, class or education levels, or prescribe certain feminine attributes such as marital status for women candidates, or motherhood (see chapter seven).

The informal rules encompass gendered norms and patronage politics. The rules and norms determine ways of doing politics which limit the access of women to formal politics. The establishment of electoral colleges and scrapping of primaries elections without communication; payments of membership arrears; setting higher application fees for candidacy; providing financial support; deciding who to campaign for and which group of female candidates to ridicule or mock; are all good examples. Informal rules and norms are commonly used in countries where political parties lack institutionalised and stable systems, because their polity is fragile and

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<sup>226</sup> Research discussion 1, 2 and 3 with groups, 1 October to 30 November 2010.



prone to electoral instability and manipulation. Findings from the case study show that the electoral colleges in some states manipulated the candidates' lists, resulting in the elimination of potential candidates. The manipulation of the various lists shows how informal rules and norms can become a powerful resource for political actors at a time of change. The introduction of quota and the role played by the key SPLM/A leaders to influence the acceptance of an unpopular decision, i.e., women's participation in politics, is another good example of how actors can utilise informal rules (see chapter six).

Informal rules and norms can contradict formal rules by misinforming voters – for example, by informing voters of the illegitimacy of women running for non-reserved quotas. According to interviewees, male candidates competing with women for geographical seats exploited ambiguities in the rules, and widespread ignorance of the rules, in order to win votes. As respondent candidate 8 described, “They told the community that the Election Act (2008) does not allow women to compete outside the gender quotas ... this is an illiterate society, so, some people believed them.”<sup>227</sup> Informal rules and norms are therefore important because they provide a framework for political interaction by defining the rules of the game, thus revealing the ways in which actors' interests, goals and strategies operate and how they impact women and men. Understanding informal rules and norms helps to construct an institutional analysis incorporating gender regime in term of rules institutionalisation and management.

### **Theoretical and empirical contributions, conclusion, and future prospects of quotas**

Results from this thesis contribute to a benchmark study of women and political recruitment in South Sudan, and baseline information for future work. This is an important contribution, particularly as South Sudan emerged from 21 years of

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<sup>227</sup> Research interview 8 with candidate, 23 October 2010

conflict, in which there was limited documentation of women in politics. It provides a new empirical in-depth case study for the comparative women and politics literature on gender quotas, contributing to the growing regional literature on post-conflict settings (see chapters two and three). This is significantly important because most studies of quotas do not provide detail in terms of the processes and context according to which quota rules are established, applied and succeed or fail in increasing women's representation.

The case study reviewed the implementation processes in detail and provides evidence underpinning the importance of informal rules and norms and the value of engaging key political actors, structures and agencies (chapters five, six, seven and eight). This evidence is important given the fact that informal rules and norms have been asserted rather than captured in practice in most previous studies on quotas and political institutions. By including the micro-level studies, the case study reveals gendered institutions and individual-level experience of political actors' interests, informal practices and gendered norms. These factors provide a detailed account of the impact of institutional environment and design in women's political representation, and contribute to an understanding of the ways in which social bias and patterns of exclusion based on patronage politics constrain women's access to politics. The micro-level study shows the importance of learning women's political experience on the ground through observation of informal actions and norms.

### **What can we learn by taking this approach?**

By taking this approach we learn that institutional environment, legacies, actors, rules-in-use and informal norms are important for understanding how the relative success of quota has occurred. The approach highlights the role of political institutions and offers a framework for the analysis of informal rules and norms pertinent to a fragile electoral system. It sheds light on the context in which the idea of quota emerged, developed into policy and was implemented during the first elections, as illustrated below:

- The approach helps us to learn how key political actors can enable and constrain institutional change and continuity based on their interests and goals. Political actors can influence the acceptance of an unpopular decision, establish its foundation and maintain its existence. The backing of quotas by the chairman of the SPLM/A and the continued support of other political actors in the drafting of the legal framework and Elections Act (2008) are an indication of significant roles played by actors. Political actors can also constrain the policy in different ways, such as the reversal of quotas in the peace accord and in the Interim National Constitution (see chapter six); or they can commit to implementing the policy but contravene the rules during implementation. For example, the 25 per cent quota has only been achieved in the national and state assemblies but not at other decision-making levels (Table 9.1).
- The approach helps us to understand the role of the institutional environment, legacies and design in enabling and constraining women's access to politics. There is generally firm political commitment and support for quota policy. However, the design of quotas lacks important elements influencing successful implementation, including placement mandate, ranking order and enforcement mechanisms (see chapter six). Such gaps have become a source of informal rules and gendered norms, and in fact influenced the remembering of 'old norms' that manipulated the implementation and outcome of quotas. The informal rules and norms have also created an unfriendly institutional environment and denied some women's access to politics. The institutional design can also enable and constrain women's access to politics. For example, the South Sudanese mixed electoral system does not confine women to reserved quotas, but female aspirants seeking candidacies through the mainstream seats encountered considerable obstacles. By instituting measures to increase women's access to politics without clear rules and resources for political programmes, the institutional design intensifies gendered power relations.

This is because it denies women's access to resources, devalues their status and the legitimacy of quota.

- The approach highlights the importance of history, in this case past political experience, legacies of war, actors' behaviours and gender relations. It has shown how the different factors continue to interact with the new institutions by shaping actors' interests, goals and strategies. The legacies of patriarchal relations and past elections, which have caused women to be viewed as unfit for political office, continue to reveal prejudice and gendered discrimination. The legacies undermine women's access to power, resources and services, and draw attention to the perception that processes of change are largely path-dependent. The rejection of 30 per cent quota by the constitutional review committee is an indication of how old rules are remembered and how traditional patriarchal norms place women in an inferior position. It also suggests that institutions are capable of passing on attitudes and behaviour into the future because they shape and are shaped by the identities of the men who founded them.
- The approach has offered an understanding of the complex stories of female political exclusion and the ways in which rules-in-use and informal norms are created and maintained in a particular context. Such understanding suggests that actors' interests and informal rules matter in the context of Bigmanism rule. This means that rules of the game and norms may be altered according to actors' strategic interests. As such, political experience and qualification are necessary but not sufficient factors in winning elections. Chapter eight discussed the political exclusion of potential female candidates and the gender-biased rules employed to favour a male candidate. The story offers an understanding of the interplay between old and new rules, the remembering of old norms and the way in which informal rules can modify newness of actors, structures and processes. More importantly, the approach has helped us to understand that institutionalising and

maintaining gender reform can be tricky because of ongoing contestations, resistance and new informal rules.

## **Conclusion, and future prospects of gender quotas**

The establishment of quota was a significant step taken to advance gender rights and increase women's political representation in South Sudan. On the one hand it has achieved the target set and challenged patriarchal social relations, unequal access to resources and gendered stereotypes (see chapter six). On the other hand, however, the overall adoption and implementation process involved a gendered dimension, contestation and a series of informal rules and norms which interacted with political actors' interests. The review of the interim constitution (ICSS) to the Transitional Constitution (TCSS) demonstrates a contest of gendered norms and gender power relations. The review committee had less than 25 per cent women's representation and did not include CSOs promoting women's rights.<sup>228</sup> It rejected the proposal for 30 per cent gender quota reform, arguing that the current provision of at least 25 per cent did not '*in their views*' restrict the appointment of more women.<sup>229</sup> Neither were strong male allies nor the President able to back up the quotas reform.<sup>230</sup>

The resistance to quota reform underlines the particular difficulties of institutionalising them, and points to the possibility of norm erosion and infringement of future implementation of quotas. The committee actors had both new and old ideas, as well as successes and shortfalls in terms of quotas adoption; however, they preferred to preserve old institutional ideas and practices. The composition, views and resistance of committees highlights an informal norm which

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<sup>228</sup> South Sudan Women Empowerment Network, Available from <http://www.womec.org/content/some-50-women-ask-President-implement-25-per-cent-representation> Accessed 25 September 2012.

<sup>229</sup> Explanatory Report (20 April 2011): 'Technical Committee to Review the Interim Constitution of Southern Sudan', 2005.

<sup>230</sup> Interview with South Sudan Women's Association; MPs and Chairperson of Women's Caucus, November 2010; April 2011.

women demanding quota reform were perceived to contravene. The key male actors presented themselves as eligible candidates for the 75 per cent, and constrained women from moving beyond their 25 per cent quotas 'share'.

In the context of Bigmanism rule, some informal rules and norms are accommodated while others are not. There are some women resisters who are prepared to challenge the gendered institutions and processes. Mary Nyaulang is one example. She is one of the six women elected on geographical seats. During the first parliamentary sitting in 2005, MPs from all states were asked to nominate chairpersons of parliamentary committees. In her state (Jonglei) three men nominated themselves and overlooked women's representation. She persuaded the female legislators from her state to nominate her as the fourth candidate. She attached her CV with the list submitted. As a graduate with a BA degree, trained in the military as a first lieutenant with experience in the SPLM movement, she was selected on the basis of merit and defeated her male colleagues. Mary was appointed as the chairperson for the Committee on Peace and Reconciliation (Fitzgerald *forthcoming*). Failure to attain 25 per cent quotas is a breach of rules, and indeed informal norms, which would have continued to operate if women did not challenge it. This illustrates the ways in which institutions reproduce, reinforce, and structure unequal gender power relations within wider society, which may undermine the future prospects of quotas.

Gender quotas as new formal rules are also subject to older informal rules and norms of Bigmanism politics. These can undermine the future prospects of gender quotas because of patterns of behaviour that contradict the inclusion of women and endorse a particular masculinity (see chapter three). For example, the proportion of women appointed as chairpersons of the specialised committees in the national parliament following the 2010 elections was less than 25 per cent. The women's caucus petitioned through a motion to the Speaker of the Assembly to ensure that the 25 per cent threshold was observed. The Speaker recalled the past and asked the women: 'Do you want to unseat male parliamentarians again like you did in the first

parliament?’<sup>231</sup> The women replied that they did not, but insisted on compliance with quota rules. The Speaker considered the petition and awarded women an extra chair to make 5 out of 18 committees chaired by women.<sup>232</sup>

Whilst change has been possible, constant rule-breaking and norm erosion indicates that gender norms and gender relations may be particularly ‘sticky’ institutional legacies, working to constrain change. It also suggests that gender quotas operating at rhetorical or speech-making level may represent an opportunity for the rejection of institutional change and innovation. More importantly, the three cases suggest that gendered resistance and the combination of newness and gender can make institutionalising quota reforms more complex.

### **Recommendations for future research**

The politics of gender quotas and candidate recruitment are far-reaching and complex, even at local level. To develop successful quota policy strategies, achieve targets and maintain implementation at all levels, the thesis suggests further study on the impact of rules-in-use, informal norms and gendered institutions on female candidates in order to allow, in turn, further assessment of gendered impact on quotas. Taking account of the following when formulating future research strategies might facilitate the attainment of this goal:

- The success of gender quotas should only be viewed as an initial but necessary step toward women’s total emancipation. More efforts are needed to explore the gap between quota policy and practice in view of the existing gendered power dynamics in political institutions;
- Political institutions embody gendered processes, practices and norms. To uncover the gendered dynamics and to reform political institutions, activists

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<sup>231</sup> Research interview 7 with candidate, 8 November 2010.

<sup>232</sup> The committees include Information and Culture; Health and HIV/AIDS Affairs; Human Rights and Humanitarian Affairs; Gender; Social Welfare; Youth and Sports and Cooperatives; Rural Development; Tourism; Water; and Irrigation.

need a better understanding in order to examine and challenge informal rules through a gender lens. They should not only pay attention to design and formal rules, but also to informal rules and norms, and to rules-in-use and their implications.

It is beyond the scope of this study to examine factors causing variable outcomes and performance for different types of quotas in different contexts. This study on the politics of gender quotas in practice has only provided some answers to the detailed adoption and implementation processes and rules-in-use in South Sudan. The study has shown that the success of gender quotas in the context of informal rules and norms is fragile, and that future prospects for women's representation are uncertain.



## Appendix I: Letter of introduction

### The University of Edinburgh

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### **RE: Introducing Ms. Angelina Mattijo-Bazugba- A Ph.D. Researcher at the University of Edinburgh, UK.**

Ms. Angelina Mattijo-Bazugba is a Ph.D. researcher in the School of Social and Political Science at the University of Edinburgh, in the UK. She has a background in policy, gender and women's rights. She is currently conducting research, which is part of her Ph.D. thesis on '*What Accounts for the Relative Success of the Gender Quotas in the First Southern Sudanese Elections after the CPA?*'. The research examines the adoption and implementation processes of the 25 per cent gender quotas policy: ideas, perception, systems/mechanisms in place and how the policy worked in practice to attain the 25 per cent in the April 2010 elections.

Ms. Angelina is knowledgeable about Southern Sudan with previous working experience with government sectors, women's NGOs/ CSOs and UNIFEM, until September 2009, when she joined the University. Her research will involve data collection on women's political representation from the Ministry of Gender, Social Welfare and Religious Affairs; Ministry and Parliamentary Affairs; GOSS Executives and Parliamentarians; Women CSOs/ INGOs/donor Community; Political parties; Media and Key informants.

We would appreciate the support of your organisation/institution in the conduct of this valuable research. Please do not hesitate to contact me if you have any queries.

Yours sincerely,



Dr Fiona Mackay

Director of the Graduate School in Social and Political Science  
& Principal Supervisor for Ms Angelina Mattijo-Bazugba

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## **Appendix II: Topic Guide**

**To all respondents**

**Topic: What Accounts for the Relative Success of the Gender Quotas in the First Southern Sudanese Elections after the CPA?’**

### **Interview Introduction**

I am a researcher in the School of Social and Political Science at the University of Edinburgh. I have a background in policy, gender and women’s rights. In this research, which is part of my Ph.D. thesis, I look at how ideas about gender quotas are implemented in governance and what accounts for the relative success of the gender quotas policy, particularly in the first Southern Sudanese elections, after the Peace Agreement.

I worked with UNIFEM, women’s groups and NGOs promoting gender and democracy in the ten states of Southern Sudan until September 2009, in the programme on strengthening and protection of women’s rights. The programme covered five key thematic areas: Women’s rights/GBV/ HIV&AIDS; Democratic Governance; training and capacity building of women’s groups and aspirants; Media and Dissemination of CPA and ICSS. I am now doing a case study on women’s political representation which will involve data collection from the Ministries of Gender and Parliamentary Affairs; Executives and Parliamentarians; Women CSOs, INGOs and the donor Community; Political parties; Media and some key informants.

So the aim of this interview is to understand what you do and your experience, how the party system works and the culture you operate in, as far as gender issues, women’s representation and participation are concerned. I would appreciate hearing your viewpoint on that. No tricky or technical issues will be covered. I will start with a general question about your party background and experience in women’s struggles, and then move to gender quotas.

Finally, I want to inform you that I work according to the University of Edinburgh’s code of ethics. Information collected will be used for my thesis and academic publications. Quotes will be reported by stating type of interviewee, and your name and role in the

institution/organisation. To ensure accurate reporting, I would like to record my interviews – are you willing to be recorded?

If there is any question/clarification, you are welcome to ask me before we proceed.

### **General questions**

1. Can you tell me a little bit about your party background and experience in women's struggles? Why did you decide to stand in the run-up to the 2010 elections?

### **Questions on Gender Quotas**

2. In your opinion and experience of quota, what is the perception about quota? How does it stigmatise women or devalue the status of women competing in other seats?  
[Probe: whether there are any differences between quota women and others in terms of characteristics, political status, experience, background; how each group 'sees' the other; how each group is perceived by the rest of the MPs, civil society and voters]

### **The adoption process**

3. In your experience, how were quotas adopted and established?  
[Probe:
  - Who first introduced the idea? Who were the key actors? Was it controversial? Why? Why did the key actors support quotas? What supportive and unsupportive roles did key actors play in the adoption of quotas?
  - What was the role of other key players such as women's organisations and their allies from international organisations? How important were the role of international and regional actors such as the UN and African Union?
  - Who were involved in the decision making and drafting of constitution, INC, ICSS and Elections Act (2008)? Were there any difficulties in adopting quotas in the legal framework?
  - Do you see other forces that would overturn gender quotas? What mechanisms do you think are in place to ensure their continuity?]

### **The implementation process and rules-in-use**

4. What were the implementation processes? For example, what new institutional design and opportunities have enabled women to access political parties?  
[Probe:
  - Who were the key actors and what roles did they play in the candidate recruitment?
  - What supportive and unsupportive roles did actors play in the recruitment of candidates?
  - What formal rules and informal norms, including rules-in-use and enabling and constraining legacies, played out in the implementation of quotas?]
5. [Probe: How did your party select you as a Member of Parliament? What do you think were the key requirements for candidates? What were party selectors looking for? For example,
  - How important was political experience and party loyalty?
  - How important was grassroots experience?]
6. What role did the selection structures play? What is their overall significance and limitation in the recruitment process?
7. What factors have contributed to the achievement of quota target in the 2010 elections?
8. Are there any other agendas served by gender quotas? What do you think is the impact of gender quotas?

### **Close**

9. Can you recommend any other actors I should include in my research, or documents to read for more information about gender quotas?
10. Would you like to add anything which we haven't covered?

**Thank you.**

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